

R.280

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

----- X  
TINA HOBSON, ET AL.,  
PLAINTIFFS,  
- VS CIVIL ACTION  
JERRY V. WILSON, ET AL., NO. 76-1326  
DEFENDANTS.  
----- X

WASHINGTON, D. C.

FRIDAY, DECEMBER 4, 1981

THE TRIAL IN THE ABOVE-ENTITLED ACTION WAS  
RESUMED BEFORE THE HONORABLE LOUIS F. OBERDORFER,  
UNITED STATES DISTRICT JUDGE, AND A JURY DULY EMPANELED AND  
SWORN, IN COURTROOM NUMBER THREE, COMMENCING AT TWO O'CLOCK,  
P. M., PURSUANT TO A LUNCHEON RECESS.

APPEARANCES:

ON BEHALF OF THE PLAINTIFFS:

DANIEL SCHEMBER, ESQ.  
J. E. MC NEIL, ESQ.  
ANNE PILSBURY, ESQ.

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CATHERINE MARY REBARICK  
COURT REPORTER  
U. S. COURTHOUSE  
WASHINGTON, D. C. 20001



1 APPEARANCES (CONT'D):

2 ON BEHALF OF THE DEFENDANTS:

3 DAVID WHITE, ESQ.

4 DENNIS HOFFMAN, ESQ.

5 LAURA BONN, ESQ.

6 GEORGE BARCLAY, ESQ.

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I N D E XWITNESSES

<u>FOR THE PLAINTIFFS:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
CHARLES D. BRENNAN	4 (CONT'D)	59 (WHITE)	-	-
		102 (BONN)	103	-

EXHIBITS

<u>FOR THE PLAINTIFFS:</u>	<u>IDENTIFICATION</u>	<u>EVIDENCE</u>
NO. 105	-	39
NO. 69	-	40
NO. 70	-	40
NO. 31-A	-	49



P R O C E E D I N G S

(TWO O'CLOCK, P. M.)

MS. PILSBURY: SHALL I HAVE MR. BRENNAN RETURN TO THE WITNESS STAND, YOUR HONOR?

THE COURT: PLEASE.

(WHEREUPON, THE JURY ENTERS THE COURTROOM AND TAKES THEIR SEATS IN THE JURY BOX.)

THE COURT: YOU MAY RESUME.

MS. PILSBURY: THANK YOU, YOUR HONOR.

DIRECT EXAMINATION (CONTINUED)

BY MS. PILSBURY:

Q MR. BRENNAN, DID YOU BY ANY CHANCE AT LUNCH HAVE AN OPPORTUNITY TO REVIEW YOUR TESTIMONY THAT YOU GAVE TO THE CHURCH COMMITTEE HEARINGS?

A YES.

Q DOES THAT REFRESH YOUR RECOLLECTION IN ANY RESPECT AS TO WHETHER OR NOT THE FBI HAD A RELATIONSHIP WITH THE CIA IN REGARD TO DOMESTIC INTELLIGENCE INVESTIGATIONS?

MR. WHITE: YOUR HONOR, I OBJECT TO THE FORM OF THE QUESTION. HE DID NOT SAY HE HAD NO RECOLLECTION. HIS ANSWER WAS NEGATIVE TO THAT QUESTION.

MS. PILSBURY: I REMEMBER HIM SAYING HE DIDN'T RECALL. I WILL BE CORRECTED IF THE RECORD SHOWS OTHERWISE.

THE COURT: WHY DON'T YOU ASK HIM WHAT HIS RECOLLECTION IS.



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1 MS. PILSBURY: OKAY.

2 BY MS. PILSBURY:

3 Q MR. BRENNAN, AT THIS TIME WHAT IS YOUR  
4 RECOLLECTION AS TO WHETHER OR NOT --

5 THE COURT: NO.

6 OF WHAT HE TESTIFIED.

7 MS. PILSBURY: I'M SORRY.

8 BY MS. PILSBURY:

9 Q WHAT DO YOU RECALL YOUR TESTIMONY TO HAVE BEEN ON  
10 DIRECT EARLIER, BEFORE WE BROKE FOR LUNCH, ON THAT QUESTION?

11 A WITH REGARD TO WHAT?

12 Q WHETHER OR NOT THE FBI WORKED WITH THE CIA IN ANY  
13 RESPECT IN DOMESTIC INTELLIGENCE INVESTIGATIONS.

14 A I DON'T BELIEVE THEY DID.

15 Q IS THAT YOUR RECOLLECTION OF WHAT YOUR TESTIMONY  
16 WAS?

17 A YES.

18 Q DIRECTING YOUR ATTENTION TO THE TESTIMONY BEFORE  
19 THE SENATE SUBCOMMITTEE CHAIRED BY SENATOR CHURCH, WHICH  
20 YOU INDICTAED EARLIER YOU RECALLED TESTIFYING AT, AND I  
21 BELIEVE THAT WAS IN 1975; WAS IT NOT?

22 A I BELIEVE SO.

23 Q IN RESPONSE TO A QUESTION ABOUT HOW THE DECISION  
24 TO TERMINATE ANY CONTACT WITH THE CIA AND THE FBI AFFECTED  
25 THE FBI YOU WERE ASKED THIS QUESTION.



1 MR. WHITE: YOUR HONOR, COULD WE INQUIRE AS TO  
2 THE PAGE?

3 THE COURT: YES.

4 MS. PILSBURY: I'M SORRY.

5 PAGE 124.

6 BY MS. PILSBURY:

7 Q WERE YOU ASKED THE FOLLOWING QUESTION AND DID YOU  
8 GIVE THE FOLLOWING REPLY, AND I QUOTE:

9 "SENATOR MATHIAS: QUESTION: DID THIS AFFECT  
10 THE OPERATIONS OF THE FBI?"

11 MR. BRENNAN, YOUR ANSWER, AND I QUOTE:

12 "I VERY DEFINITELY BELIEVE IT DID BECAUSE I FEEL  
13 THE VARIOUS MEMBERS OF THE INTELLIGENCE COMMUNITY MUST  
14 WORK TOGETHER IN ORDER TO FULFILL EVERYBODY'S BASIC  
15 INTELLIGENCE RESPONSIBILITY, AND I FELT THAT THE  
16 DECISION BY MR. HOOVER TO CUT OFF THE RELATIONSHIP WITH  
17 THE CIA WAS JUST TOTALLY AN ATROCIOUS DECISION, AND WAS  
18 NOT CONSISTENT WITH WHAT THE RESPONSIBILITIES OF WHAT  
19 THE INTELLIGENCE COMMUNITY ARE. WE RELY UPON AND DEAL  
20 WITH THE CIA AS CLOSELY AS THEY DO WITH US IN THE  
21 INTERCHANGE OF MATTERS OF MUTUAL INTEREST TO BOTH OF US.  
22 AND IT JUST DID NOT SQUARE WITH THE ABILITY OF EACH TO  
23 BE ABLE TO CARRY OUT THE RESPONSIBILITIES AND PERFORM  
24 THE FUNCTIONS BY SAYING, QUOTE, DISCONTINUE LIAISON  
25 WITH THE CIA, END OF QUOTE."





1                   END OF YOUR ANSWER.

2                   DO YOU RECALL BEING ASKED THAT QUESTION AND GIVING  
3                   THAT ANSWER?

4                   A        YES, I DO.

5                   Q        AND DO YOU FEEL THAT THAT ANSWER IS IN ANY RESPECT  
6                   INCONSISTENT WITH YOUR TESTIMONY JUST NOW?

7                   A        NO.

8                   Q        CAN YOU EXPLAIN WHY NOT?

9                   A        BECAUSE THE CIA HAD RESPONSIBILITY FOR DEVELOPING  
10                  INFORMATION OUTSIDE THE SCOPE OF THE UNITED STATES -- OUTSIDE  
11                  THE BORDERS OF THE UNITED STATES -- AND THAT TYPE OF  
12                  INFORMATION WOULD INVOLVE A VARIETY OF ACTIVITIES IN FOREIGN  
13                  COUNTRIES THAT MIGHT BE OF INTEREST TO THE FBI.

14                  AND THE CIA HAD NO RESPONSIBILITY FOR DEVELOPING  
15                  INFORMATION INSIDE THE UNITED STATES. THAT WAS THE  
16                  RESPONSIBILITY OF THE FBI.

17                  Q        DID YOU SAY THE CIA HAD NO AUTHORITY OR NO  
18                  RESPONSIBILITY?

19                  A        IT WAS NOT THE AUTHORITY OF THE CIA TO CONDUCT  
20                  DOMESTIC INTELLIGENCE INVESTIGATIONS.

21                  Q        ALTHOUGH THE CIA HAD NO AUTHORITY TO CONDUCT  
22                  DOMESTIC INTELLIGENCE INVESTIGATIONS, IS IT NOT A FACT  
23                  THAT THEY DID ON SOME OCCASIONS CONDUCT DOMESTIC INTELLIGENCE  
24                  INVESTIGATIONS ANYWAY?

25                  A        I HAVE READ THAT THEY DID.





1 Q AND YET IT'S YOUR TESTIMONY THAT YOU NEVER WORKED  
2 WITH THEM IN CONNECTION WITH YOUR FUNCTIONS AS A CHIEF  
3 OFFICER IN DOMESTIC INTELLIGENCE OPERATIONS?

4 MR. WHITE: YOUR HONOR, THAT QUESTION WAS NOT  
5 PREVIOUSLY ASKED.

6 THE COURT: IT'S AN APPROPRIATE QUESTION. IT'S  
7 NOT INAPPROPRIATE.

8 MR. WHITE: I UNDERSTAND, YOUR HONOR.

9 I'M JUST OBJECTING TO THE FORM, ABOUT BEING HIS  
10 TESTIMONY, BECAUSE HE HAS NOT TESTIFIED UNDER OATH.

11 THE COURT: ASK THAT AS AN ORIGINAL QUESTION,  
12 OTHERWISE, IT IS ARGUMENTATIVE.

13 BY MS. PILSBURY:

14 Q DID YOU EVER, MR. BRENNAN, IN YOUR JOB AS HEAD OF  
15 DOMESTIC INTELLIGENCE, EVER WORK WITH THE CIA ON DOMESTIC  
16 INTELLIGENCE INVESTIGATIONS?

17 A NO.

18 Q OKAY.

19 MR. BRENNAN, LET ME DIRECT YOUR ATTENTION TO  
20 THE THREE EXHIBITS THAT I HAVE PLACED BEFORE YOU, EXHIBITS 27,  
21 28 AND 29.

22 AND IF YOU DIDN'T GET A CHANCE BEFORE LUNCH WHY  
23 DON'T YOU TAKE A MOMENT NOW AND FAMILIARIZE YOURSELF WITH  
24 THE SUBJECT MATTER OF THOSE EXHIBITS.

25 (PAUSE)



1 THE COURT: WHILE HE'S DOING THAT, I SEEM TO HAVE  
2 AN ORIGINAL OF EXHIBIT 28, WHICH I SHOULDN'T HAVE. AND I  
3 DON'T HAVE ANY EXHIBIT 27. I HOPE I'M NOT SUPPOSED TO.

4 MS. PILSBURY: YOU'RE SUPPOSED TO, YOUR HONOR,  
5 BUT, UNFORTUNATELY, I ONLY HAVE ONE COPY.

6 THE COURT: DO YOU HAVE THE ORIGINAL?

7 MS. PILSBURY: YES, I DO, YOUR HONOR.

8 THE COURT: THAT'S ALL I'M WORRIED ABOUT.

9 BY MS. PILSBURY:

10 Q HAVE YOU HAD A CHANCE TO LOOK AT THOSE, MR. BRENNAN?

11 A TWENTY-SEVEN AND 28?

12 Q AND 29.

13 A YES.

14 Q THEY ARE ALL ABOUT THE SAME THING.

15 A YES.

16 Q AND WHAT ARE THEY ABOUT?

17 A ABOUT THE PREPARATION OF A PAMPHLET TO BE  
18 DISTRIBUTED AT AMERICAN UNIVERSITY CALLED "THE RATIONAL  
19 OBSERVER," SUPPOSEDLY FROM A SMALL GROUP OF STUDENTS WHO  
20 HAVE TAKEN EXCEPTION TO THE DEVELOPMENT ON THE CAMPUS AND  
21 ASKING THE FBI HEADQUARTERS FOR AUTHORITY TO PROCEED WITH  
22 THE PRINTING AND DISTRIBUTION OF THAT PAMPHLET.

23 Q AND WAS THAT AUTHORITY GIVEN?

24 A YES.

25 Q IS THAT REFLECTED IN EXHIBIT 29?





1 A YES.

2 Q AND THAT'S THE EXHIBIT I BELIEVE YOU INDICATED  
3 BEFORE LUNCH THAT HAS YOUR NAME ON IT, IN ADDITION TO SOME  
4 OTHER NAMES; DOES IT NOT?

5 A YES. THAT'S RIGHT.

6 Q DO YOU HAVE ANY INDEPENDENT RECOLLECTION OF THIS  
7 PARTICULAR PROJECT AT THIS TIME, WITHOUT REFERENCE TO THESE  
8 DOCUMENTS?

9 A NO.

10 Q DO YOU REMEMBER IT NOW THAT YOU'VE SEEN THE  
11 DOCUMENT?

12 A NO.

13 Q NOW, AT THIS TIME, WHICH WAS, I BELIEVE, THE DATE  
14 ON EXHIBIT 29, NOVEMBER 3RD, 1969, DO YOU KNOW WHAT YOUR  
15 POSITION WAS IN THE FBI?

16 A AT THAT TIME I WAS CHIEF OF THE INTERNAL SECURITY  
17 SECTION IN THE DOMESTIC INTELLIGENCE DIVISION.

18 Q WOULD IT HAVE BEEN IN THAT CAPACITY THAT YOU HAVE  
19 SIGNED OFF ON EXHIBIT 29?

20 A I DIDN'T SIGN OFF ON IT.

21 Q WHAT DOES YOUR SIGNATURE ON HERE INDICATE, OR YOUR  
22 NAME?

23 A THAT IS PUT ON THERE FOR ROUTING PURPOSES, SO THAT  
24 THE DOCUMENT WILL GO TO THE INTERNAL SECURITY SECTION.

25 Q DID YOU PUT YOUR NAME ON THERE, OR DID SOMEBODY





1 ELSE?

2 A SOMEBODY ELSE DID.

3 Q DOES IT INDICATE THAT IT'S A COINTELPRO PROJECT,  
4 OVER WHICH YOU HAD SOME GENERAL SUPERVISORY RESPONSIBILITY?

5 A YES.

6 Q NOW, DOES THIS PROPOSAL THAT YOU HAVE SEEN  
7 REFLECTED IN THESE DOCUMENTS FIT IN GENERALLY WITH THE  
8 GUIDELINES THAT YOU HAD OUT IN 1968 DESCRIBING COINTELPRO  
9 NEW LEFT?

10 A I DIDN'T SEND THEM OUT.

11 Q I'M SORRY.

12 IN THE DOCUMENT IN 1968 THAT HAS YOUR NAME ON IT.

13 A YES.

14 Q NOW, CAN YOU DESCRIBE GENERALLY, OR I GUESS,  
15 SPECIFICALLY, IF YOU CAN, HOW THE DISSEMINATION OF THIS  
16 STUDENT NEWSPAPER -- . I'M SORRY.

17 STRIKE THAT.

18 FIRST, THE STUDENT NEWSPAPER THAT'S REFERRED TO  
19 IN THESE DOCUMENTS WAS ACTUALLY WRITTEN BY MEMBERS OF THE  
20 FBI; WAS IT NOT?

21 A I BELIEVE SO.

22 Q DO YOU WANT TO TAKE THE DOCUMENTS AND REFRESH  
23 YOUR MEMORY, IF YOU'RE NOT SURE?

24 (PAUSE)

25 I WOULD DIRECT YOUR ATTENTION TO EXHIBIT 27,



1 MR. BRENNAN.

2 A IT SAYS IT WAS PREPARED IN THE WASHINGTON FIELD  
3 OFFICE, BUT I DON'T KNOW WHETHER AGENTS IN THE FIELD OFFICE  
4 PREPARED IT.

5 Q NOW, MY QUESTION IS, CAN YOU EXPLAIN HOW THIS  
6 PARTICULAR PROPOSAL FIT IN WITH THE GOALS THAT YOU HAVE  
7 DESCRIBED FOR COINTELPRO NEW LEFT?

8 A ACCORDING TO EXHIBIT 29, IT STATED THAT THE  
9 PAMPHLET IS SUPPOSEDLY FROM A SMALL GROUP OF STUDENTS WHO  
10 HAVE TAKEN EXCEPTION TO THE DEVELOPMENTS ON AMERICAN CAMPUS  
11 AND WHO ARE TAKING AN OPPORTUNITY TO POINT OUT SOME OF THE  
12 INCONSISTENCIES AND OBVIOUS DANGERS POSED BY THE NEW LEFT  
13 ON THE CAMPUS, AND THAT WAS APPARENTLY DESIGNED FOR THAT  
14 PURPOSE.

15 Q I'M SORRY, MR. BRENNAN. I DON'T QUITE UNDERSTAND  
16 WHAT THE "THAT" IN YOUR ANSWER REFERRED TO.

17 WHAT WAS DESIGNED FOR WHAT PURPOSE?

18 A THE LEAFLET WAS DESIGNED TO DRAW ATTENTION TO THE  
19 ACTIVITIES OF THE NEW LEFT ON THE CAMPUS AND THE STANDS  
20 WHICH NEW LEFT ACTIVISTS ON THE CAMPUS TOOK.

21 Q AND I BELIEVE YOU INDICATED WHEN YOU TALKED ABOUT  
22 THE PURPOSE OF COINTELPRO NEW LEFT THAT ONE OF ITS PURPOSES  
23 WAS TO PREVENT VIOLENCE AND TO DISRUPT GROUPS THAT WERE  
24 SUBJECT TO COMMUNIST INFILTRATION; IS THAT CORRECT?

25 A YES.



1 Q NOW, HOW DOES THIS STUDENT NEWSPAPER FURTHER  
2 EITHER OF THOSE TWO GOALS?

3 A THE STUDENT NEWSPAPER, IF I RECALL CORRECTLY,  
4 WAS DESIGNED TO CALL ATTENTION TO THE ACTIVITIES OF THE  
5 ANTIWAR ACTIVISTS ON THE CAMPUS, TO DEVELOP A PROTEST  
6 GROUP AGAINST THEIR ACTIVITIES.

7 Q IN ORDER TO INTERFERE WITH THE ACTIVITIES OF THE  
8 ANTIWAR GROUP?

9 A NO.

10 ONLY TO ALERT THE OTHER STUDENTS ON THE CAMPUS  
11 TO THE NATURE OF THE ANTIWAR ACTIVISTS.

12 Q WHY DID YOU WANT TO ALERT THE OTHER STUDENTS  
13 TO THE NATURE OF THE ANTIWAR ACTIVISTS?

14 A BECAUSE THERE WERE A NUMBER OF INDIVIDUALS IN  
15 THE ANTIWAR MOVEMENT WHO WERE SELF-PROFESSED COMMUNIST  
16 REVOLUTIONARIES.

17 Q IF IN FACT THIS WAS YOUR BELIEF WHY DIDN'T THE  
18 FBI SIMPLY MAKE A PUBLIC ANNOUNCEMENT TO THIS EFFECT, IN  
19 ORDER TO ALERT PEOPLE SO THAT THEY COULD MAKE THEIR OWN  
20 MINDS UP?

21 A THE FBI DID, THROUGH THE APPROPRIATIONS TESTIMONY  
22 OF J. EDGAR HOOVER, VIRTUALLY ON AN ANNUAL BASIS.

23 Q INDICATED ITS BELIEF THAT THE ANTIWAR MOVEMENT  
24 WAS COMMUNIST INSPIRED?

25 A INDICATED THAT A NUMBER OF INDIVIDUALS ACTIVE IN





1 ANTIWAR MOVEMENTS WERE COMMUNISTS OR SELF-PROFESSED  
2 REVOLUTIONARIES.

3 Q BUT WITH SPECIFIC REFERENCE TO THE STUDENTS AT  
4 AMERICAN UNIVERSITY, DID THE FBI EVER MAKE ANY PUBLIC  
5 STATEMENT OR PRESS RELEASES OR ANNOUNCEMENTS ON THE CAMPUS  
6 AS TO ITS CONCERNS ABOUT THE ANTIWAR MOVEMENT?

7 A I DON'T BELIEVE IT DID.

8 Q WHY DID THE FBI FIND IT NECESSARY, IF YOU KNOW,  
9 TO USE THIS PARTICULAR DEVICE, WHICH DOES NOT IDENTIFY THE  
10 FBI, AS ITS AUTHOR?

11 A ANOTHER MEASURE TO TRY TO ALERT STUDENTS ON THE  
12 CAMPUS.

13 (PAUSE)

14 Q MR. BRENNAN, I HAVE PLACED THREE DOCUMENTS BEFORE  
15 YOU, PLAINTIFFS' EXHIBITS 21, 22 AND 23. I'M SORRY -- 20,  
16 21 AND 22.

17 A YES.

18 Q COULD YOU TAKE A MINUTE AND LOOK AT THOSE?

19 (PAUSE)

20 HAVE YOU HAD A CHANCE TO LOOK AT THOSE?

21 A YES, MA'AM.

22 Q AND DO ALL THREE OF THESE DOCUMENTS APPEAR TO  
23 RELATE TO THE SAME SUBJECT MATTER?

24 A YES, THEY DO.

25 Q COULD YOU DESCRIBE WHAT THAT SUBJECT MATTER IS?



1           A       APPARENTLY, IT INVOLVED JULIUS HOBSON AND THE  
2 BLACK UNITED FRONT AND IT INVOLVED THIS ISSUE OF WHETHER OR  
3 NOT JULIOUS HOBSON SHOULD BE DENOUNCED AS AN UNCLE TOM  
4 FOR ASKING FOR COMPENSATION FROM WHITE GROUPS WHO WERE  
5 COMING TO WASHINGTON TO DEMONSTRATE.

6           Q       DO YOU HAVE ANY PRESENT RECOLLECTION OF THIS  
7 EPISODE?

8           A       NO, I DO NOT.

9           Q       DO YOU KNOW WHETHER OR NOT THE PROJECT OUTLINED  
10 IN THESE DOCUMENTS WOULD HAVE NORMALLY GONE OVER YOUR DESK  
11 AT THE TIME?

12                   REFER, IF YOU NEED TO, TO THE DATES ON THESE  
13 DOCUMENTS.

14          A       I DON'T BELIEVE THEY WOULD.

15          Q       WHY NOT?

16          A       AT THIS TIME I DON'T THINK THESE MATTERS WERE  
17 BEING HANDLED IN THE INTERNAL SECURITY SECTION, AND I WAS  
18 SECTION CHIEF OF THAT SECTION AT THAT TIME.

19          Q       THESE DOCUMENTS DO, THOUGH, DESCRIBE A COINTELPRO  
20 PROJECT; DO THEY NOT?

21          A       YES, THEY DO.

22          Q       IS IT A DIFFERENT COINTELPRO FROM COINTELPRO NEW  
23 LEFT?

24          A       YES, IT IS.

25          Q       WHICH COINTELPRO IS IT?





1 A IT'S COINTELPRO BLACK NATIONALIST HATE GROUPS.

2 Q AND WAS THAT A COINTELPRO THAT YOU AT THAT TIME  
3 DIDN'T HAVE PRIMARY RESPONSIBILITY FOR?

4 A THAT'S RIGHT.

5 Q YOU HAVE INDICATED, THOUGH, THAT THE NEW  
6 MOBILIZATION COMMITTEE WAS A GROUP THAT WAS A TARGET OF  
7 COINTELPRO NEW LEFT; IS THAT CORRECT?

8 A YES.

9 Q AND THESE DOCUMENTS DO REFER TO THAT ORGANIZATION;  
10 DO THEY NOT?

11 A YES.

12 Q NOW, WOULD THE COINTELPRO BLACK NATIONALIST PERSON  
13 HAVE COORDINATED THIS EFFORT WITH THE COINTELPRO NEW LEFT  
14 PERSON, SINCE IT INVOLVED A GROUP THAT WAS A TARGET OF THE  
15 NEW LEFT PROGRAM?

16 A I THINK IT PROBABLY WOULD.

17 Q AND IF IT DID INVOLVE COINTELPRO NEW LEFT GROUPS  
18 IT WOULD HAVE GONE THROUGH YOUR OFFICE; WOULD IT NOT?

19 A NOT NECESSARILY. THE SUPERVISORS COULD HAVE  
20 GOTTEN TOGETHER.

21 Q THEY WOULDN'T HAVE NEEDED YOUR APPROVAL?

22 A NO.

23 Q NOW, DIRECTING YOUR ATTENTION TO EXHIBIT 20,  
24 MR. BRENNAN, THIS IS A MEMORANDUM FROM THE WASHINGTON FIELD  
25 OFFICE TO THE DIRECTOR OF THE FBI; IS IT NOT?



1 A YES, MA'AM.

2 Q NOW, IF A MEMORANDUM IS SENT TO THE DIRECTOR  
3 DOES IT GO THROUGH YOUR OFFICE; IF IT INVOLVES THE COINTELPRO  
4 PROJECT REGARDING THE NEW LEFT?

5 THE COURT: I THINK YOU BETTER INDICATE WHAT  
6 PERIOD OF TIME YOU'RE TALKING ABOUT. HE'S INDICATED HE'S  
7 IN SEVERAL DIFFERENT OFFICES.

8 MS. PILSBURY: IN 1969, MR. BRENNAN.

9 THE WITNESS: NOT ALL OF THEM.

10 BY MS. PILSBURY:

11 Q IS THERE ANY ROUTINE AS TO WHICH ONES WOULD AND  
12 WHICH ONES WOULDN'T?

13 A I BELIEVE THAT IT WAS POSSIBLE FOR, AT THAT TIME,  
14 FOR COINTELPRO MATTERS SUCH AS DESCRIBED IN THESE  
15 COMMUNICATIONS TO GO DIRECTLY FROM MR. MOORE'S SECTION TO  
16 THE ASSISTANT DIRECTOR.

17 Q I'M DIRECTING YOUR ATTENTION, MR. BRENNAN, TO A  
18 COINTELPRO PROJECT THAT INVOLVED BOTH THE NEW LEFT AND THE  
19 BLACK NATIONALIST GROUPS.

20 A ORDINARILY, THAT WOULD GO THROUGH BOTH SECTIONS  
21 PRIOR TO GOING TO THE ASSISTANT DIRECTOR.

22 Q AND WOULD IT REQUIRE APPROVAL FROM HEADQUARTERS  
23 BEFORE IT WAS IMPLEMENTED?

24 A YES, IT WOULD.

25 Q NOW, HAVE YOU HAD A CHANCE TO FAMILIARIZE YOURSELF



1 WITH THE COINTELPRO PROJECT THAT'S OUTLINED IN THESE  
2 DOCUMENTS?

3 A VAGUELY, YES.

4 Q DO YOU UNDERSTAND WHAT THE PURPOSE OF IT WAS?

5 A IF YOU JUST GIVE ME A MOMENT.

6 (PAUSE)

7 APPARENTLY IT PROPOSED THE PREPARATION AND  
8 DISTRIBUTION OF A LEAFLET DESIGNED TO EMBARRASS MR. HOBSON.

9 Q CAN YOU EXPLAIN, IF YOU KNOW, WHAT CONNECTION THAT  
10 PROPOSAL HAD WITH EITHER OF THE COINTELPRO PROGRAMS THAT  
11 YOU'RE FAMILIAR WITH?

12 A WHAT CONNECTION IT WITH THEM?

13 I DON'T QUITE UNDERSTAND.

14 Q DID IT HAVE ANY CONNECTION WITH COINTELPRO NEW  
15 LEFT?

16 A IT INVOLVED, I BELIEVE, THE NEW MOBE COMMITTEE, AND  
17 THE NEW MOBE COMMITTEE WAS AN ORGANIZATION UNDER INVESTIGATION  
18 BY THE INTERNAL SECURITY SECTION.

19 Q AT THE PRESENT TIME DO YOU HAVE ANY INDEPENDENT  
20 RECOLLECTION OF THE PURPOSE OF THIS COINTELPRO PROJECT?

21 A NO.

22 Q OKAY.

23 MR. BRENNAN, LET ME SHOW YOU A DOCUMENT MARKED  
24 FOR IDENTIFICATION AS PLAINTIFFS' EXHIBIT 26.

25 (PAUSE)





1 HAVE YOU EVER SEEN THIS DOCUMENT BEFORE?

2 A I DON'T RECALL IT.

3 Q WHO IS IT FROM?

4 A IT'S FROM ME TO MR. SULLIVAN.

5 Q AND WHAT IS THE DATE?

6 A SEPTEMBER 5TH, 1969.

7 Q AND IN ADDITION TO HAVING YOUR NAME TYPED ON THE  
8 "FROM" LINE, DOES IT NOT ALSO HAVE YOUR NAME WRITTEN IN  
9 HANDWRITING ON THE FACE OF THE DOCUMENT?

10 A YES, MA'AM, IT DOES.

11 Q WOULD YOU JUST TAKE A MINUTE AND READ THE FIRST  
12 PAGE OF THE DOCUMENT AND SEE IF IT REFRESHES YOUR RECOLLECTION  
13 ABOUT THE PURPOSE OF THE COINTELPRO ACTIVITIES DESCRIBED IN  
14 THE THREE DOCUMENTS I SHOWED YOU JUST BEFORE THIS?

15 A I DON'T BELIEVE I SAW IT, NO.

16 Q READ THE DOCUMENT AND SEE IF IT REFRESHES YOUR  
17 MEMORY.

18 A ABOUT WHAT?

19 Q ABOUT THE COINTELPRO PROJECTS REFERRING TO  
20 MR. HOBSON AND THE NEW MOBE.

21 MR. WHITE: I'M SORRY TO INTERRUPT.

22 BUT THERE WAS NO TESTIMONY THAT HE KNEW ABOUT  
23 THESE COINTELPRO SUGGESTED REGARDING MR. HOBSON.

24 THE COURT: THERE IS EVIDENCE THAT HE HAD,  
25 DOCUMENTARY EVIDENCE.



1 MR. WHITE: THAT IS NOT CORRECT, YOUR HONOR.  
2 THE QUESTIONS DID NOT GO TO THE QUESTION OF WHETHER HE SAW  
3 THOSE DOCUMENTS.

4 THE COURT: THE QUESTION WAS WHETHER THIS  
5 REFRESHES HIS RECOLLECTION.

6 OBJECTION OVERRULED.

7 THE WITNESS: WHAT IS YOUR QUESTION, AGAIN?

8 BY MS. PILSBURY:

9 Q MY QUESTION IS KIND OF A LONG ONE, MR. BRENNAN.  
10 IT WAS WHETHER YOU WOULD READ THE FIRST PAGE OF  
11 PLAINTIFFS' EXHIBIT 26.

12 A I READ IT.

13 Q AND SEE IF IT REFRESHES YOUR MEMORY AS TO THE  
14 PURPOSE OF THE COINTELPRO PROJECTS REGARDING MR. HOBSON,  
15 THE BLACK UNITED FRONT AND THE NEW MOBE, THAT WAS DESCRIBED  
16 IN THE THREE EXHIBITS THAT I SHOWED YOU BEFORE THIS.

17 A NO, IT DOES NOT.

18 Q HAVING READ THE DOCUMENTS DO YOU NOW KNOW WHAT THE  
19 PURPOSE OF THOSE PROJECTS WAS?

20 A BASICALLY, TO CAUSE A SPLIT BETWEEN THE BLACK  
21 MILITANTS AND THE NEW LEFT.

22 Q ALL RIGHT. THANK YOU, MR. BRENNAN.

23 NOW, WHY WOULD THE FBI WANT TO CAUSE A SPLIT  
24 BETWEEN THE BLACK MILITANTS AND THE NEW LEFT?

25 A IT'S MY RECOLLECTION THAT THE FBI SAW A PROBLEM





1 IN THE JOINT ACTIONS OF VARIOUS ORGANIZATIONS AND GROUPS OF  
2 INDIVIDUALS, SOME OF WHOM WERE MILITANT AND ADVOCATING  
3 VIOLENCE AND MILITANCY.

4 AND THE FEELING WAS IF WE COULD DISRUPT THEM AND  
5 KEEP THEM FROM UNITING TOGETHER THAT IT WOULD SERVE TO  
6 MITIGATE THE PROBLEM WE SAW FOR POTENTIAL VIOLENCE.

7 Q AND WAS THE BLACK UNITED FRONT SUCH AN ORGANIZATION?

8 A SUCH AN ORGANIZATION AS WHAT?

9 Q ONE THAT YOU FELT WAS PRONE TO VIOLENCE OR -- I'M  
10 SORRY. I DON'T RECALL THE EXACT PHRASE YOU USED.

11 A ANY OF THE GROUPS THAT WE HAD UNDER INVESTIGATION  
12 AT THAT TIME, WE WERE ATTEMPTING TO DISCOURAGE THEM FROM  
13 FORMING A UNITED FRONT.

14 Q AND WAS THE BLACK UNITED FRONT ONE OF THE GROUPS  
15 YOU HAD UNDER INVESTIGATION?

16 A IT BELIEVE IT WAS.

17 Q AND DID YOU BELIEVE THAT THE BLACK UNITED FRONT  
18 WAS PRONE TO VIOLENCE?

19 A I DON'T RECALL THE BASIC NATURE OR CHARACTERISTICS  
20 OF THE BLACK UNITED FRONT AT THIS TIME.

21 Q DO YOU RECALL WHETHER OR NOT YOU HAD A BELIEF AS  
22 TO WHETHER THE NEW MOBILIZATION COMMITTEE WAS PRONE TO  
23 VIOLENCE?

24 A BASIC PROBLEM -- NO.

25 Q NO, YOU DON'T RECALL OR NO, IT WASN'T?



1           A       NO, I DON'T RECALL THAT I WAS TOO CONCERNED ABOUT  
2 THE PROPENSITY FOR VIOLENCE WITH THE NEW MOBE COMMITTEE  
3 ITSELF.

4           Q       WHY THEN WERE YOU CONCERNED ABOUT THE NEW MOBE  
5 COMMITTEE AND THE BLACK UNITED FRONT GETTING TOGETHER?

6           A       BECAUSE OF THE COMMUNIST INFILTRATION INTO THE  
7 NEW MOBE COMMITTEE AND THE PROPENSITY FOR COMMUNISTS TO BE  
8 ABLE TO UNITE WITH OTHER GROUPS AND MANIPULATE THOSE GROUPS  
9 FOR THEIR PURPOSES.

10          Q       WHY DID THIS CONCERN YOU, EVEN THOUGH IT IS NOT  
11 ILLEGAL FOR A PERSON TO BE A MEMBER OF THE COMMUNIST PARTY?

12          A       BECAUSE INCREASINGLY THE DEMONSTRATIONS WHICH  
13 WERE ORGANIZED TO A GREAT EXTENT BY THE NEW MOBE AND BY THE  
14 STUDENT MOBILIZATION COMMITTEE WERE PROVIDING THE OPPORTUNITY  
15 FOR OUTBREAKS OF VIOLENCE, WHICH WERE VERY DISRUPTIVE, NOT  
16 ONLY IN WASHINGTON, BUT ALSO IN OTHER AREAS OF THE COUNTRY.

17          Q       AND COULD YOU EXPLAIN HOW THE NEW MOBE WAS  
18 PROVIDING OPPORTUNITIES FOR OUTBREAKS OF VIOLENCE?

19          A       THE NEW MOBE WAS THE KEY GROUP IN ORGANIZING THE  
20 ANTIWAR DEMONSTRATIONS.

21          Q       AND SO IS IT YOUR TESTIMONY THAT BY ORGANIZING  
22 AN ANTIWAR DEMONSTRATION THE NEW MOBE WAS CREATING AN  
23 OPPORTUNITY FOR AN OUTBREAK OF VIOLENCE?

24          A       INDIRECTLY, YES.

25          Q       AND THEREFORE THEY SHOULD BE PREVENTED FROM EVEN



1 TRYING TO ORGANIZE THAT ACTIVITY?

2 A NO.

3 THEY WERE ENTITLED TO ORGANIZE THE DEMONSTRATIONS  
4 TO PEACEFULLY ASSEMBLE AND TO VOICE LEGITIMATE DISSENT.

5 BUT THE RECORD OF DEMONSTRATIONS THAT TOOK PLACE  
6 WAS ONE WHICH DEMONSTRATED THAT THEY WERE ALWAYS ASSOCIATED  
7 WITH EXTREME VIOLENCE.

8 Q EXTREME VIOLENCE?

9 A YES.

10 FOR EXAMPLE, THE --

11 Q LET ME DIRECT YOUR -- I'M SORRY.

12 GO AHEAD.

13 A IN THE NOVEMBER DEMONSTRATION IN 1969, IF I  
14 RECALL CORRECTLY, THERE WERE SIX HUNDRED PEOPLE INJURED,  
15 INCLUDING SOME TWENTY-FIVE OR MORE POLICE OFFICERS, AND THERE  
16 WAS A QUARTER OF A MILLION DOLLARS DAMAGE DONE TO GOVERNMENT  
17 PROPERTY AND PRIVATE PROPERTY, AND OF COURSE, THE POLICE  
18 DEPARTMENT, SOMETHING LIKE A HALF A MILLION DOLLARS IN  
19 OVERTIME.

20 IT COST THE TAXPAYERS IN EFFECT A MILLION DOLLARS  
21 BECAUSE OF THE ARMY HAVING TO KEEP MILITARY FORCES HERE.

22 Q DO YOU HAVE ANY STATISTICS, MR. BRENNAN, ON HOW  
23 MUCH THE FBI SPENT IN SURVEILLANCE ON THAT DEMONSTRATION?

24 A I COULDN'T GIVE THEM TO YOU RIGHT NOW.

25 Q COULD YOU MAKE AN ESTIMATE?





1 A NO. I DIDN'T HANDLE URGENT MATTERS.

2 Q WHAT IS THE BASIS FOR YOUR INFORMATION THAT SIX  
3 HUNDRED PEOPLE WERE INJURED AT THE NOVEMBER 1969 DEMONSTRATION?

4 A THE APPROPRIATIONS TESTIMONY OF MR. J. EDGAR HOOVER  
5 IN 1971.

6 Q MR. BRENNAN, I'M GOING TO SHOW YOU TWO NEW  
7 DOCUMENTS, WHICH ARE PLAINTIFFS' EXHIBITS 15 AND 16 IN  
8 EVIDENCE.

9 (PAUSE)

10 WOULD YOU TAKE A MINUTE AND LOOK THOSE OVER?

11 (PAUSE)

12 MS. PILSBURY: I'M SORRY. I DON'T HAVE AN  
13 EXTRA 15.

14 THE COURT: I THINK I REMEMBER IT.

15 BY MS. PILSBURY:

16 Q DOES YOUR NAME APPEAR ON EXHIBIT 15, MR. BRENNAN?

17 A YES, MA'AM, IT DOES.

18 Q AND DO BOTH OF THESE DOCUMENTS RELATE TO THE SAME  
19 SUBJECT MATTER, IN GENERAL?

20 A YES, THEY DO.

21 Q AND WHAT IS THAT SUBJECT MATTER?

22 A APPARENTLY, THE UTILIZATION OF THE WASHINGTON  
23 FIELD OFFICE TO DISRUPT AND DISORGANIZE THE DEMONSTRATORS  
24 AT THE PRESIDENTIAL INAUGURATION ACTIVITIES THROUGH THE USE  
25 OF DETERMINING THE FREQUENCIES ON THE CITIZENS BAND RADIOS



1 BY WHICH THIS INFORMATION WAS GIVEN.

2 Q WHAT WERE THE PEACE DEMONSTRATORS USING THE  
3 CITIZENS BAND RADIOS FOR, IF YOU KNOW?

4 A I THINK THEY WERE USING THEM TO COORDINATE THEIR  
5 ACTIVITIES AS TO MEETING PLACES AND THE LIKE.

6 Q MEETING PLACES PRIOR TO THE DAY OF THE  
7 DEMONSTRATION?

8 A NO.

9 IN WHETHER OR NOT THEY WERE GOING TO ASSEMBLE IN  
10 LA FAYETTE PARK OR WHETHER OR NOT THEY WERE GOING TO ASSEMBLE  
11 DOWNTOWN.

12 I THINK IT WAS BASICALLY TO COORDINATE THE  
13 ACTIVITIES OF THE DEMONSTRATORS.

14 Q WOULD IT BE CORRECT TO SAY THAT THEY WERE USING  
15 THE CITIZENS BAND RADIOS SO THAT THE MARSHALS COULD TALK  
16 TO EACH OTHER?

17 A I DON'T KNOW BASICALLY WHAT THEIR OVERALL PURPOSE  
18 WAS IN USING THEM.

19 Q MR. BRENNAN, LET ME DIRECT YOUR ATTENTION TO THE  
20 FIRST PARAGRAPH OF PLAINTIFFS' EXHIBIT 15, SECOND SENTENCE,  
21 AND SEE IF THAT REFRESHES YOUR MEMORY AS TO WHAT THE  
22 DEMONSTRATORS WERE USING THE CITIZENS BAND RADIOS FOR.

23 A YES. I SEE IT. IT SAYS THE SOURCE FURNISHED  
24 WFO THE CALL LETTERS AND THE FREQUENCIES WHICH WERE BEING  
25 UTILIZED BY THE MARSHALS APPOINTED BY THE NMC.



1 Q AND WHAT WERE MARSHALS, MR. BRENNAN?

2 A I BELIEVE THE MARSHALS WERE INDIVIDUALS DESIGNATED  
3 BY NMC TO TRY TO KEEP SOME ORDER.

4 THE COURT: LET'S TAKE A MOMENT RECESS JUST TO  
5 STRETCH.

6 (PAUSE IN PROCEEDINGS.)

7 JUST A MOMENT. I'M NOT GOING ANYWHERE.

8 YOU MAY RESUME.

9 BY MS. PILSBURY:

10 Q AND, AGAIN, MR. BRENNAN, THE SAME QUESTION I HAVE  
11 ASKED YOU BEFORE.

12 HOW DOES INTERFERING WITH THE MARSHALS  
13 FURTHER THE GOALS OF COINTELPRO NEW LEFT, OR ANY OTHER  
14 COINTELPRO, IF THAT HELPS YOU ANSWER THE QUESTION?

15 A APPARENTLY, WFO -- THE WASHINGTON FIELD OFFICE --  
16 WAS ALSO CONCERNED ABOUT THE POTENTIAL FOR VIOLENCE  
17 INHERENT IN THIS TYPE OF DEMONSTRATION, TOO.

18 Q WEREN'T THE MARSHALS SUPPOSED TO HELP PREVENT  
19 VIOLENCE?

20 A IT IS MY UNDERSTANDING THAT THE MARSHALS WERE  
21 BASICALLY DESIGNED TO KEEP THE DEMONSTRATORS IN ROUTE TO  
22 WHEREVER THEIR PARTICULAR DESIGNATION WAS.

23 I DON'T KNOW THAT THEY WERE EVER ISSUED  
24 INSTRUCTIONS TO PREVENT VIOLENCE.

25 Q YOU HAD A NUMBER OF INFORMANTS INSIDE THE NEW MOBE;





1 DID YOU NOT?

2 A YES.

3 Q AND YET YOU HAVE NO KNOWLEDGE OF WHAT THE  
4 MARSHALS' INSTRUCTIONS WERE?

5 A I DON'T RECALL AT THIS TIME.

6 Q DO YOU KNOW WHETHER OR NOT THE NEW MOBE HAD A  
7 PERMIT FOR THIS PARTICULAR DEMONSTRATION FROM THE D. C.  
8 GOVERNMENT OR THE PARK POLICE, OR SOMEBODY?

9 A I DON'T RECALL.

10 Q DO YOU KNOW WHETHER OR NOT IF THEY HAD MADE AN  
11 APPLICATION FOR A PERMIT THEY WOULD HAVE HAD TO HAVE DISCUSSED  
12 THE MARCH ROUTE WITH LOCAL AUTHORITIES?

13 A I DON'T KNOW THE DETAILS OF GETTING A PERMIT.

14 Q COULD YOU JUST DESCRIBE VERY BRIEFLY, MR. BRENNAN,  
15 WHAT TYPE OF TECHNIQUES WERE USED IN ORDER TO GATHER  
16 INFORMATION ON NEW LEFT GROUPS WHICH WOULD BECOME THE TARGET  
17 OF COINTELPRO ACTIVITIES?

18 A JUST THE GENERAL INVESTIGATIVE TECHNIQUES, THAT  
19 WERE PRETTY APPLICABLE IN ALMOST EVERY CASE.

20 Q WHAT ARE THOSE GENERAL INVESTIGATIVE TECHNIQUES?

21 A YOU DEVELOP ALL THE INFORMATION YOU CAN ABOUT THE  
22 INDIVIDUAL, ABOUT HIS LIFE, THE ORGANIZATIONS THAT HE  
23 BELONGS TO , WHERE HE WORKS, WHAT HE DOES, WHO HE MEETS WITH,  
24 WHERE HE GOES -- JUST IN GENERAL, HIS OVERALL ACTIVITIES.

25 Q AND HOW WOULD YOU OBTAIN THIS INFORMATION?



1           A       TO A GREAT EXTENT BY GOING AROUND AND ASKING,  
2 INTERVIEWING, PEOPLE WHO KNOW SOMETHING ABOUT HIM.

3           Q       WAS THAT THE ONLY WAY YOU OBTAINED INFORMATION?

4           A       NO.

5                 THERE ARE A VARIETY OF WAYS TO OBTAIN INFORMATION.

6           Q       THAT'S WHAT I'M ASKING ABOUT.

7                 WHAT ARE SOME OF THE OTHER VARIETIES OF WAYS?

8           A       YOU CAN CHECK VARIOUS RECORDS -- CREDIT RECORDS,  
9 CRIMINAL RECORDS, THAT TYPE OF THING -- AND GET ADDITIONAL  
10 INFORMATION.

11          Q       ARE THERE ANY OTHER TECHNIQUES THAT WERE USED?

12          A       YOU CAN ALSO CONSIDER THE INSTALLATION OF  
13 ELECTRONIC SURVEILLANCE.

14          Q       WHAT DOES THE TERM ELECTRONIC SURVEILLANCE MEAN  
15 TO YOU?

16          A       BASICALLY, A WIRE TAP.

17          Q       ON A TELEPHONE?

18          A       YES.

19          Q       DOES THE TERM ELECTRONIC SURVEILLANCE TO YOU  
20 ALSO INCLUDE MICROPHONE INSTALLATION, OR WHAT IS COMMONLY  
21 REFERRED TO AS A BUG?

22          A       YES.

23          Q       NOW, IN ADDITION TO THESE MECHANICAL FORMS AND  
24 IN ADDITION TO USING THE NORMAL INVESTIGATIVE TECHNIQUES  
25 THAT YOU DESCRIBED, WOULD THE FBI ALSO GATHER INFORMATION



1 FROM OTHER INTELLIGENCE AGENCIES?

2 A IT'S POSSIBLE THAT YOU WOULD POSSIBLY CHECK  
3 MILITARY RECORDS, FOR EXAMPLE, OR YOU MIGHT QUERY CENTRAL  
4 INTELLIGENCE AGENCY, FOR EXAMPLE, IF THEY HAD ANY INFORMATION.

5 Q WHAT ABOUT A TECHNIQUE REFERRED TO AS SURREPTITIOUS  
6 ENTRY; IS THAT A TERM YOU'RE FAMILIAR WITH?

7 A YES.

8 Q WHAT DOES THAT MEAN?

9 A THAT BASICALLY INVOLVES WHAT IS KNOWN AS A BLACK  
10 BAG JOB.

11 Q WHAT'S A BLACK BAG JOB?

12 A IT'S A SURREPTITIOUS ENTRY.

13 Q I'M SORRY.

14 I WALKED RIGHT INTO THAT.

15 CAN YOU DESCRIBE IT IN ANY TERMS OTHER THAN THE  
16 TERMS OF ART WITHIN THE FBI, DESCRIBE IT IN SOME OTHER WAY  
17 THAT MIGHT BE MORE FAMILIAR?

18 A YES.

19 IT MEANS ENTERING A PLACE, WHETHER IT MAY BE A  
20 PLACE OF ABODE OR WHATEVER, OR, LET'S SAY, A BUSINESS OFFICE,  
21 JUST TO CITE AN EXAMPLE, WITH THE INTENT OF LOCATING  
22 INFORMATION PERTINENT TO YOUR INTEREST ABOUT AN INDIVIDUAL  
23 OR ORGANIZATION.

24 Q IN OTHER WORDS, SOMETHING THAT WOULD BE CALLED A  
25 BURGLARY WERE IT DONE BY SOMEONE OTHER THAN THE FBI.





1           A       YES.

2           Q       NOW, WERE ANY SURREPTITIOUS ENTRY TECHNIQUES USED  
3 IN CONNECTION WITH COINTELPRO NEW LEFT?

4           A       I DON'T REMEMBER.

5           Q       IF SURREPTITIOUS ENTRIES WERE USED WOULD THE  
6 INFORMATION GAINED FROM SUCH AN ACTIVITY APPEAR IN THE  
7 INDIVIDUAL'S DOMESTIC INTELLIGENCE FILE?

8           MR. WHITE: I'LL OBJECT TO THE QUESTION, YOUR HONOR,  
9 AS BEING HYPOTHETICAL, AND I'D ALSO ASK WITH RESPECT TO THE  
10 RELEVANCY OF IT, OR QUESTION THE RELEVANCY.

11          THE COURT: EXPLAIN YOUR RELEVANCY.

12          MS. PILSBURY: AT THE BENCH, YOUR HONOR?

13          THE COURT: IF YOU WANT TO HERE.

14          WHY DON'T YOU COME TO THE BENCH.

15          (WHEREUPON, THE WITNESS STEPPED DOWN FROM THE  
16 STAND, COUNSEL FOR BOTH PARTIES APPROACHED THE BENCH  
17 AND CONFERRED WITH THE COURT, AS FOLLOWS:)

18          MS. PILSBURY: YOUR HONOR, I WANT TO GET FROM HIM --  
19 I WANT HIM TO TESTIFY THAT WHEN THE FBI ENGAGED IN WHAT THEY  
20 CALL BLACK BAG JOBS THEY DIDN'T FILE -- AND I WANT TO  
21 ESTABLISH THAT IN ORDER TO SHOW WHY IT'S VERY PROBABLE THAT  
22 IF THE D. C. GOVERNMENT HAD GIVEN THE FBI THE FRUITS OF  
23 THE 1029 BURGLARY IT WOULDN'T BE FILED IN FBI FILES.

24          THE COURT: YOU DON'T HAVE ANY EVIDENCE FOR THAT.  
25 YOU DON'T HAVE EVIDENCE OF ANY SO-CALLED BLACK BAG JOBS.



1 IF THE FACT THAT THE 1029 BURGLARY WAS TO BE  
2 BY SOMEBODY ELSE DOESN'T MEAN THAT HE KNOWS ABOUT IT.

3 MS. PILSBURY: I KNOW, BUT WHAT -- LET ME LAY  
4 THE WHOLE THING OUT AND WE CAN DECIDE.

5 WHAT WE WANT TO ESTABLISH IS THAT THE FBI ROUTINELY  
6 DID NOT FILE BLACK BAG JOBS SO THEY COULD DENY KNOWLEDGE  
7 OF THEM, AND I THINK --

8 THE COURT: THAT'S PROVING A NEGATIVE, IN OTHER  
9 WORDS.

10 MS. PILSBURY: IT SHOW --

11 MR. WHITE: IT SEEMS TO ME THAT THERE IS A REAL  
12 GAP IN EVIDENCE HERE.

13 THE COURT: THERE SURE IS.

14 MR. WHITE: NO ALLEGATION AND NO INQUIRIES OF  
15 ANY OF THE DEFENDANTS WHETHER THERE WAS A BLACK BAG JOB  
16 THAT THEY KNOW OF THAT AFFECTED -- THE ONLY BLACK BAG JOB  
17 ENTRY THAT IS AT ISSUE IN THIS CASE IS 1029 VERMONT AVENUE  
18 CHARGES, AND THERE IS NO ALLEGATION THAT MR. BRENNAN KNEW  
19 ABOUT THAT.

20 THE COURT: NOT AN ALLEGATION, BUT DENIAL OF  
21 MR. BRENNAN THAT HE KNEW OF ANY BLACK BAG JOB IN CONNECTION  
22 WITH COINTELPRO.

23 MR. WHITE: HE SAID HE DID NOT REMEMBER ON THAT  
24 POINT.

25 THE PLAINTIFFS HAVE CLEARLY TRIED TO CREATE AN



1 INFERENCE THAT THERE WAS -- OTHER THAN THIS 1029 EPISODE,  
2 NO EVIDENCE TO THAT. THERE WAS AMPLE TIME FOR DISCOVERY AND  
3 AMPLE DISCOVERY.

4 THE COURT: LET'S LEAVE THIS ALONE FOR NOW.

5 (WHEREUPON, THE PROCEEDINGS HAD AT THE BENCH WERE  
6 CONCLUDED, THE WITNESS RESUMED THE STAND, AND THE  
7 TRIAL PROCEEDED, AS FOLLOWS:)

8 BY MS. PILSBURY:

9 Q MR. BRENNAN, IN ADDITION TO THE TECHNIQUES FOR  
10 GATHERING INFORMATION THAT WE WERE JUST SPEAKING OF, WOULD  
11 THE FBI SOMETIMES ALSO ATTEMPT TO INTERVIEW THE SUBJECT  
12 HIMSELF OR HERSELF?

13 A YES.

14 Q AND WHAT WAS THE PURPOSE OF THAT TECHNIQUE?

15 A AGAIN, REALLY, JUST TO DEVELOP INFORMATION.

16 Q WAS THAT THE ONLY PURPOSE OF IT?

17 A THAT WAS THE PRIMARY PURPOSE OF AN INTERVIEW.

18 Q WAS THERE A SECONDARY PURPOSE?

19 A NOT THAT I RECALL.

20 MS. PILSBURY: EXCUSE ME JUST A MINUTE.

21 (PAUSE)

22 BY MS. PILSBURY:

23 Q MR. BRENNAN, I'M GOING TO SHOW YOU A DOCUMENT  
24 MARKED FOR IDENTIFICATION AS PLAINTIFFS' EXHIBIT 70, WHICH  
25 IS IN EVIDENCE.





1 DIRECTING YOUR ATTENTION TO THE DATE OF THIS  
2 DOCUMENT, WHICH IS DECEMBER 15TH, 1970, DO YOU RECALL WHAT  
3 YOUR POSITION WAS AT THAT TIME?

4 A YES.

5 I WAS ASSISTANT DIRECTOR OF THE DOMESTIC  
6 INTELLIGENCE DIVISION.

7 Q SO ALL REPORTS ON COINTELPRO NEW LEFT ACTIVITIES  
8 WOULD, AT LEAST ON PAPER, HAVE COME TO YOUR ATTENTION?

9 I'M SORRY -- ALL REPORTS TO HEADQUARTERS ON  
10 COINTELPRO ACTIVITIES WOULD HAVE COME TO YOUR ATTENTION.

11 A WOULD HAVE COME THROUGH MY OFFICE.

12 Q DOES THIS APPEAR TO BE SUCH A REPORT FROM THE  
13 WASHINGTON FIELD OFFICE?

14 A YES.

15 Q I'M SORRY.

16 DID I GIVE YOU 69 OR 70, OR BOTH?

17 A YOU GAVE ME 70.

18 Q NOW, DIRECTING YOUR ATTENTION TO THE SECOND PAGE  
19 OF THAT EXHIBIT, COULD YOU JUST TAKE A MINUTE AND READ THE  
20 FIRST PARAGRAPH OR, IF YOU WANT TO, READ THE WHOLE DOCUMENT.

21 GO AHEAD AND SEE IF THAT REFRESHES YOUR RECOLLECTION  
22 AS TO WHETHER OR NOT THERE WAS ANY PURPOSE TO INTERVIEWING  
23 COINTELPRO NEW LEFT PEOPLE, IN ADDITION TO JUST TRYING TO  
24 GET INFORMATION ABOUT THEM.

25 (PAUSE)



1 A YES.

2 Q IT REFRESHES YOUR MEMORY?

3 A YES.

4 Q WHAT IS YOUR MEMORY NOW, HAVING LOOKED AT THE  
5 DOCUMENT, AS TO ANY OTHER PURPOSE THAT INTERVIEWS MIGHT HAVE?

6 A IT DOESN'T REFRESH MY MEMORY ABOUT IT.

7 IT INDICATES THAT THE WASHINGTON FIELD OFFICE  
8 FELT THAT THEY COULD POSSIBLY PLAY UPON THE PARANOID  
9 FEELINGS OF SOME OF THE INDIVIDUALS THEY WERE INVESTIGATING,  
10 APPARENTLY, A PARANOIA WHICH THEY FELT HAD BEEN INDUCED  
11 BY SURVEILLANCE AND INTERVIEWS OF THESE INDIVIDUALS.

12 Q DOES THE DOCUMENT NOT ALSO INDICATE THAT BY  
13 EXTENSIVE INTERVIEWS THE FBI HOPED TO CREATE MISTRUST AMONG  
14 PEOPLE IN THE NEW LEFT?

15 A IT SAYS IT ALREADY HAS, YES.

16 Q IN OTHER WORDS, THE FIELD OFFICE IS REPORTING TO  
17 YOU THAT THEY HAVE SUCCEEDED IN THIS ENDEAVOR.

18 A WHEN YOU SAY THE FIELD OFFICE IS REPORTING TO ME,  
19 YOU MEAN THE FIELD OFFICE IS REPORTING TO FBI HEADQUARTERS.

20 Q YES.

21 THAT'S CORRECT.

22 A YES.

23 Q AND THAT REPORT WOULD HAVE COME TO YOUR DIVISION;  
24 WOULD IT NOT?

25 A YES.



1 Q OF WHICH YOU WERE THE HEAD AT THIS TIME.

2 A THAT'S RIGHT.

3 Q AND WHEN THE DOCUMENT INDICATES THAT THIS PROGRAM  
4 OF EXTENSIVE INTERVIEWS HAS CREATED -- IT SAYS, "HAS  
5 MANIFESTED ITSELF IN DISSENSION AND MISTRUST" -- WAS THAT A  
6 GOAL OF THE FBI'S PROGRAM AGAINST THE NEW LEFT?

7 A YES.

8 Q DO YOU KNOW WHETHER OR NOT THIS TECHNIQUE WAS USED  
9 IN OTHER COINTELPRO PROGRAMS, SUCH AS THE BLACK NATIONALIST  
10 PROGRAM?

11 A I DON'T RECALL IT.

12 Q DO YOU RECALL WHETHER OR NOT, MR. BRENNAN, THESE  
13 TECHNIQUES WERE PROPOSED BY HEADQUARTERS, TO BE USED AT OTHER  
14 FIELD OFFICES?

15 A AT THIS TIME I DON'T RECALL.

16 Q LET ME DIRECT YOUR ATTENTION TO THE LAST PARAGRAPH  
17 OF THE DOCUMENT YOU HAVE BEFORE YOU.

18 DO YOU HAVE 69?

19 A NO. I HAVE 70.

20 Q OKAY.

21 I'M GOING TO SHOW YOU A DOCUMENT MARKED AS  
22 EXHIBIT 69.

23 SINCE I DIDN'T SHOW YOU THIS ONE BEFORE, TAKE A  
24 MINUTE AND LOOK AT IT, IF YOU WILL.

25 (PAUSE)





1 DOES THIS APPEAR TO ADDRESS ITSELF TO THE SAME  
2 GENERAL TOPIC AS THE EXHIBIT WE WERE LOOKING AT JUST A  
3 MINUTE AGO?

4 A YES, IT DOES.

5 Q DOES IT NOT INDICATE THAT THE FIELD OFFICE HAS  
6 SUCCEEDED IN AROUSING ANXIETY AMONG MEMBERS OF THE NEW LEFT?

7 A THAT'S WHAT IT INDICATES, YES.

8 Q NOW, MY QUESTION IS, DOES THE LAST PARAGRAPH OF  
9 THIS DOCUMENT, EXHIBIT 69, REFRESH YOUR MEMORY AS TO WHETHER  
10 OR NOT THIS TECHNIQUE WAS SUGGESTED TO OTHER FIELD OFFICES?

11 A I DON'T RECALL THAT IT DID.

12 Q IN OTHER WORDS, THIS IS A PROPOSAL FROM THE  
13 WASHINGTON FIELD OFFICE THAT THE BUREAU MIGHT RECOMMEND  
14 THIS ACTIVITY TO OTHER DIVISIONS.

15 A YES.

16 Q AND YOU'RE SAYING YOU DON'T KNOW WHETHER OR NOT  
17 THEY ACTUALLY RECOMMENDED IT.

18 A I DON'T REMEMBER WHETHER THEY DID OR NOT.

19 Q WAS IT UNCOMMON FOR THE HEADQUARTERS TO TAKE  
20 COINTELPRO IDEAS THAT APPEARED TO HAVE MERIT AND SUGGEST  
21 THEM TO OTHER FIELD OFFICES?

22 A NO, IT WAS NOT UNCOMMON.

23 Q WAS THERE A CERTAIN AMOUNT OF CROSS-FERTILIZATION  
24 BETWEEN OFFICES AND AMONG THE VARIOUS COINTELPRO PROGRAMS  
25 AS TO TECHNIQUES AND METHODS THAT APPEARED SUCCESSFUL?



1 A I BELIEVE THERE WAS.

2 Q MR. BRENNAN, I'M GOING TO SHOW YOU A DOCUMENT  
3 MARKED FOR IDENTIFICATION AS PLAINTIFFS' EXHIBIT 105-1.

4 CAN YOU DESCRIBE WHAT THIS IS?

5 A THIS IS A LETTER FROM THE CINCINNATI OFFICE TO  
6 FBI HEADQUARTERS IN CONNECTION WITH THE COUNTERINTELLIGENCE  
7 PROGRAM DASH NEW LEFT.

8 IT RECOMMENDS A COUNTERINTELLIGENCE ACTION AGAINST  
9 THE STUDENTS FOR A DEMOCRATIC SOCIETY AT OHIO STATE  
10 UNIVERSITY, WHICH WAS PLANNING TO SEND A CONTINGENT OF  
11 STUDENTS TO WASHINGTON TO DEMONSTRATE IN CONNECTION WITH  
12 THE PRESIDENTIAL INAUGURATION.

13 Q WHAT WAS THE PURPOSE OF THE PROJECT PROPOSED  
14 AGAINST THE STUDENTS AT OHIO STATE UNIVERSITY?

15 A TO DISRUPT THEM.

16 Q DISRUPT THEM IN WHAT RESPECT?

17 A IN THEIR PLANS FOR THE DEMONSTRATION.

18 Q WHICH DEMONSTRATION?

19 MR. WHITE: YOUR HONOR, I WOULD OBJECT TO THE  
20 RELEVANCY OF THIS DOCUMENT -- HAVING NO BEARING ON THE  
21 COMPLAINT MADE BY THE PLAINTIFFS.

22 THE COURT: OBJECTION IS OVERRULED.

23 BY MS. PILSBURY:

24 Q WHICH DEMONSTRATION, MR. BRENNAN, IF YOU CAN  
25 RECALL OR IF YOUR MEMORY IS REFRESHED WITH THE DOCUMENT?



1           A       THE ONE WHICH WAS SUPPOSED TO TAKE PLACE AT THE  
2       PRESIDENTIAL INAUGURATION.

3           Q       IN OTHER WORDS, A DEMONSTRATION HERE IN  
4       WASHINGTON, D. C.

5           A       YES.

6           Q       NOW, WAS THIS PROPOSAL APPROVED BY HEADQUARTERS?

7           A       YES, MA'AM, IT WAS.

8           Q       HOW DO YOU KNOW THAT?

9                   DO YOU REMEMBER OR ARE YOU TESTIFYING FROM THE  
10       DOCUMENT?

11          A       I'M TESTIFYING FROM THE DOCUMENT.

12                   THERE IS ATTACHED PLAINTIFFS' EXHIBIT 105-2,  
13       WHICH CONSTITUTES A LETTER TO THE -- PROBABLY AN AIR-TEL  
14       TO THE CINCINNATI OFFICE FROM DIRECTOR OF FBI AUTHORIZING  
15       THIS RECOMMENDATION.

16          Q       ARE THERE ANY CONDITIONS PLACED ON THE APPROVAL?

17          A       TO MAKE SURE THAT THE ACTION WAS ANONYMOUS.

18          Q       AND COULDN'T BE TRACED TO THE BUREAU?

19          A       THAT'S RIGHT.

20          Q       DOES YOUR NAME APPEAR ON THE DOCUMENT INDICATING  
21       HEADQUARTERS APPROVAL?

22          A       YES, IT DOES.

23                   MS. PILSBURY: THANK YOU.

24                   YOUR HONOR, I WOULD MOVE PLAINTIFFS' EXHIBIT 105  
25       INTO EVIDENCE.



1 MR. WHITE: I'LL OBJECT TO THAT.

2 I'LL OBJECT TO THE INTRODUCTION OF THIS DOCUMENT,  
3 YOUR HONOR, ON THE GROUNDS THAT THE TESTIMONY DOES NOT  
4 ESTABLISH THAT MR. BRENNAN PERSONALLY HAD A CONNECTION WITH  
5 THIS MATTER.

6 MS. PILSBURY: MAY I RESPOND, YOUR HONOR?

7 THE COURT: ALL RIGHT.

8 MS. PILSBURY: HIS NAME IS ON THE DOCUMENT AND  
9 HE WAS IN THE DIVISION THAT WAS IN CHARGE OF RECEIVING  
10 THESE SUGGESTIONS FROM THE FIELD AT THE TIME.

11 AND HE HAS INDICATED THAT THE SUGGESTION WAS  
12 APPROVED BY HEADQUARTERS.

13 THE COURT: OBJECTION'S OVERRULED.

14 (PLAINTIFFS' EXHIBIT NO. 105 WAS  
15 RECEIVED IN EVIDENCE.)

16 THE COURT: WE'LL TAKE OUR AFTERNOON RECESS  
17 AT THIS TIME.

18 WE'LL RECONVENE AT 3:15, LADIES AND GENTLEMEN.

19 (WHEREUPON, A RECESS WAS TAKEN.)

20 (WHEREUPON, THE JURY ENTERS THE COURTROOM AND  
21 TAKES THEIR SEATS IN THE JURY BOX.)

22 THE COURT: GO AHEAD.

23 MS. PILSBURY: YOUR HONOR, IT CAME TO MY ATTENTION  
24 DURING THE BREAK THAT I HADN'T MOVED EXHIBITS 69 AND 70 INTO  
25 EVIDENCE, AND THEY ARE NOT IN EVIDENCE YET.





1 I WOULD SO MOVE AT THIS TIME THAT THEY BE IN  
2 EVIDENCE.

3 MR. WHITE: YOUR HONOR, I BELIEVE THEY ARE IN  
4 EVIDENCE.

5 THE COURT: THEN YOU HAVE NO OBJECTION.

6 MR. WHITE: I THINK I STATED MY OBJECTION THE FIRST  
7 TIME THEY WERE MOVED IN.

8 THE COURT: THEY ARE IN OVER THE DEFENDANTS'  
9 OBJECTION.

10 MS. PILSBURY: THANK YOU, YOUR HONOR.

11 (PLAINTIFFS' EXHIBITS NOS. 69 AND 70  
12 WERE RECEIVED IN EVIDENCE.)

13 BY MS. PILSBURY:

14 Q NOW, MR. BRENNAN, YOU HAVE REFERRED A NUMBER OF  
15 TIMES TO THE FBI CONCERN ABOUT COMMUNIST INFLUENCE IN THE  
16 PEACE MOVEMENT, AND IN THE NEW MOBILIZATION COMMITTEE IN  
17 PARTICULAR.

18 WHEN YOU SAY COMMUNIST INFLUENCE ARE YOU REFERRING  
19 SOLELY TO THE COMMUNIST PARTY?

20 A NO.

21 Q WHAT ARE YOU REFERRING TO?

22 A ORGANIZATIONS ALSO LIKE THE SOCIALIST WORKERS  
23 PARTY.

24 Q ARE YOU FAMILIAR WITH THE SOCIALIST WORKERS PARTY?

25 A YES.



1 Q DOES THE FBI HAVE A COINTELPRO PROJECT OR PROGRAM,  
2 OR DID IT HAVE A COINTELPRO PROGRAM JUST FOR THE SOCIALIST  
3 WORKERS PARTY?

4 MR. WHITE: OBJECTION ON RELEVANCY, YOUR HONOR.

5 MS. PILSBURY: DO YOU WANT ME TO MAKE A PROFFER  
6 AT THE BENCH, YOUR HONOR?

7 (WHEREUPON, THE WITNESS STEPPED DOWN FROM THE  
8 STAND, COUNSEL FOR ALL PARTIES APPROACHED THE BENCH  
9 AND CONFERRED WITH THE COURT, AS FOLLOWS:)

10 MS. PILSBURY: YOUR HONOR, SINCE HE HAS REPEATEDLY  
11 MENTIONED THIS AS A MAIN GOAL, THIS COMMUNIST INFLUENCE  
12 CONCERN, WE WANT TO ESTABLISH THAT THE FBI WAS INTIMATELY  
13 FAMILIAR WITH THE SOCIALIST WORKERS PARTY BECAUSE THEY HAD  
14 INVESTIGATED THEM FOR FORTY YEARS AND NEVER FOUND THEM ENGAGING  
15 IN ANYTHING OTHER THAN ORDINARY LAWFUL, LEGITIMATE ACTIVITIES.

16 THE COURT: DO YOU STIPULATE THAT?

17 MR. WHITE: NO, I WON'T STIPULATE TO THE RELEVANCE.  
18 IT'S NOT CONNECTED.

19 THE COURT: IT'S DISCONNECTED. HE'S SAYING THAT  
20 WOULD HAVE BEEN JUSTIFICATION FOR DISRUPTION OR WHATEVER  
21 THEY CLAIM WENT ON -- ~~THIS~~ TO DETERMINE THE ACTIVITY TO PREVENT  
22 THE INFLUENCE OF THE SOCIALIST WORKERS PARTY, AND EITHER  
23 THAT IS A JUSTIFICATION OR IT ISN'T.

24 ARE YOU WITHDRAWING YOUR DEFENSE THAT THESE  
25 ACTIVITIES WERE JUSTIFIED BY LEGITIMATE LAW ENFORCEMENT --



1 ENFORCE AND PREVENT STEPS, ABOUT DANGER TO THE COMMUNITY?

2 MR. WHITE: I'M QUESTIONING THE RELEVANCY.

3 THE COURT: SHE'S GOT A RIGHT TO ADDRESS THE ISSUE.  
4 YOU'RE NOT WITHDRAWING THE DEFENSE. THE ISSUE WAS FRAMED  
5 IN THE PRETRIAL ORDER.

6 MR. WHITE: MY OBJECTION REGARDING RELEVANCY IS  
7 NOTED.

8 THE COURT: IT'S OVERRULED.

9 DID JOE PASS ON TO YOU THE TIMEKEEPING RESPONSIBILITY?

10 THE DEPUTY CLERK: RIGHT, YOUR HONOR.

11 (WHEREUPON, THE PROCEEDINGS HAD AT THE BENCH WERE  
12 CONCLUDED, THE WITNESS RESUMED THE STAND, AND THE TRIAL  
13 CONTINUED, AS FOLLOWS:)

14 BY MS. PILSBURY:

15 Q DO YOU RECALL THE QUESTION, MR. BRENNAN?

16 A NO.

17 WOULD YOU REPEAT IT.

18 Q THE QUESTION IS, DID THE FBI HAVE A COINTELPRO  
19 DIRECTED AT THE SOCIALIST WORKERS PARTY?

20 A YES.

21 Q IS THAT STILL IN EXISTENCE?

22 A I HAVE NO IDEA. I HAVE BEEN OUT OF THE FBI SINCE  
23 1974.

24 Q IT WAS IN EXISTENCE FOR A NUMBER OF YEARS; WAS IT  
25 NOT?





1 A YES, IT WAS.

2 Q AND DURING THE TIME THAT THE FBI INVESTIGATED THE  
3 SOCIALIST WORKERS PARTY DID IT EVER FIND THE SOCIALIST  
4 WORKERS PARTY TO ADVOCATE OR ENGAGE IN VIOLENCE OF ANY SORT?

5 A IN GENERAL, IT FOLLOWED THE PRINCIPLES OF --

6 Q COULD YOU JUST ANSWER --

7 A -- TROTSKY.

8 Q -- THE QUESTION?

9 A I FORGET SPECIFICALLY IF THERE WAS AN ADVOCACY  
10 OF VIOLENCE.

11 Q FOR HOW MANY YEARS DID THE FBI INVESTIGATE THE  
12 SOCIALIST WORKERS PARTY, IF YOU KNOW?

13 A TO MY KNOWLEDGE, PROBABLY FORTY YEARS.

14 Q AND YOU'VE FORGOTTEN WHETHER OR NOT THEY FOUND OUT  
15 IF IT ADVOCATED VIOLENCE?

16 A I DON'T RECALL THE SPECIFIC ADVOCACY IN SPECIFIC  
17 TERMS.

18 Q SO, IN OTHER WORDS, YOU WERE CONCERNED ABOUT THE  
19 ROLE OF THE SOCIALIST WORKERS PARTY AND THE NEW MOBE, EVEN  
20 THOUGH YOU WEREN'T SURE WHAT IT'S POSITION WAS; IS THAT  
21 CORRECT?

22 A WOULD YOU REPEAT THAT?

23 Q LET ME STRIKE THAT AND ASK YOU ANOTHER QUESTION.

24 AT THE TIME YOU WERE CONCERNED ABOUT THE SOCIALIST  
25 WORKERS PARTY'S PARTICIPATION IN THE PEACE MOVEMENT DID YOU



1 KNOW WHAT THE SOCIALIST WORKERS PARTY'S POSITION WAS ON  
2 QUESTIONS OF PEACEFUL VERSUS NONPEACEFUL DEMONSTRATIONS?

3 A THE SOCIALIST WORKERS PARTY ADVOCATED THE REPLACEMENT  
4 OF THE CAPITALIST SYSTEM WITH A COMMUNIST SYSTEM.

5 Q MR. BRENNAN, THAT WASN'T RESPONSIVE TO MY  
6 QUESTION. LET ME REPEAT MY QUESTION.

7 AT THE TIME THAT YOU WERE CONCERNED ABOUT THE  
8 SOCIALIST WORKERS PARTY'S PARTICIPATION IN THE PEACE MOVEMENT  
9 DID YOU KNOW WHAT THE SOCIALIST WORKERS PARTY'S POSITION WAS  
10 ON THE QUESTION OF ANTIWAR DEMONSTRATIONS, NOT THEIR  
11 POSITION ON ECONOMIC QUESTIONS?

12 A THEIR POSITION ON THE ANTIWAR DEMONSTRATION WAS  
13 THAT THE UNITED STATES SHOULD NOT BE INVOLVED IN THE WAR IN  
14 VIETNAM.

15 Q AND WHAT WAS THEIR POSITION, IF YOU KNOW, ON THE  
16 FORM THAT OPPOSITION TO THAT WAR SHOULD TAKE IN THE  
17 UNITED STATES AMONG PERSONS OPPOSED TO IT?

18 A BASICALLY, PROTEST DEMONSTRATIONS.

19 Q WHAT TYPE OF PROTEST DEMONSTRATIONS?

20 A WHAT DO YOU MEAN, WHAT TYPE?

21 Q PEACEFUL OR NOT PEACEFUL.

22 A OSTENSIBLY PEACEFUL, BUT FOR PROPAGANDA PURPOSES.

23 Q AT THE TIME THAT WE'RE SPEAKING OF, 1968, 1969,  
24 '70, WAS IT AGAINST THE LAW FOR A PERSON TO BELONG TO THE  
25 SOCIALIST WORKERS PARTY?



1 A NO.

2 Q IS IT TODAY?

3 A NO.

4 Q IS IT AGAINST THE LAW TODAY, OR AT THAT TIME, FOR  
5 A PERSON TO BELIEVE THAT SOCIALISM IS A PREFERABLE ECONOMIC  
6 SYSTEM TO CAPITALISM?

7 A NO.

8 MS. PILSBURY: YOUR HONOR, I'M GOING TO SHOW THE  
9 WITNESS A COPY OF A DOCUMENT IDENTIFIED AS PLAINTIFFS'  
10 EXHIBIT 31-A.

11 THE COURT: IS IT IN EVIDENCE?

12 MS. PILSBURY: NO, IT'S NOT, YOUR HONOR.

13 MR. WHITE: YOUR HONOR, BEFORE THE INQUIRY BEGINS  
14 ON THIS --

15 THE COURT: UP HERE.

16 (WHEREUPON, THE WITNESS STEPS DOWN FROM THE STAND,  
17 COUNSEL FOR ALL PARTIES APPROACH THE BENCH, AND CONFER  
18 WITH THE COURT, AS FOLLOWS:)

19 MR. WHITE: THIS DOCUMENT IS THE SUBJECT OF A  
20 MOTION TO STRIKE PREVIOUSLY FILED, BEFORE TRIAL.

21 THE COURT: AND I DIDN'T RULE ON IT?

22 MR. WHITE: NO, THIS BEING AN ITEM, ALTHOUGH  
23 PUBLISHED IN THE CHURCH COMMITTEE REPORT IN 1976, WAS NOT  
24 ALLUDED TO BY THE PLAINTIFFS UNTIL OCTOBER 22D OF THIS YEAR,  
25 WHEN WE FILED THE PRETRIAL BRIEF.



1 THE COURT: WHEN ARE THEY SUPPOSED TO HAVE ALLUDED  
2 TO THE DOCUMENT?

3 MR. WHITE: WHEN I INQUIRED OF THEM AS TO WHAT  
4 ACTIONS THEY WERE COMPLAINING OF AND WHAT DEFENDANTS ARE  
5 RESPONSIBLE FOR -- I DID THAT BY INTERROGATORIES OF JUNE OF  
6 THIS YEAR.

7 THE COURT: IF THEY DID IDENTIFY IT IN THE  
8 PRETRIAL BRIEF THAT'S TIME ENOUGH BY MY RULES. YOU CAN  
9 CROSS EXAMINE ON IT.

10 AND BY ANYONE ELSE'S ON IT.

11 WHAT IS THE OTHER OBJECTION?

12 MR. WHITE: IN ADDITION, I SIMPLY MAKE THE PROFFER  
13 THAT IF ASKED, MR. BRENNAN'S TESTIMONY ON HIS PERSONAL  
14 KNOWLEDGE WILL BE THAT HE DID NOT SEE IT AT THE TIME.

15 THE COURT: WAS IT THROUGH HIS OFFICE? DID IT  
16 GO THROUGH ON HIS WATCH?

17 MR. WHITE: HE WAS ~~AT~~ AT THIS TIME HE WAS AN  
18 EMPLOYEE OF THE FBI HEADQUARTERS, AND THIS WOULD HAVE GONE  
19 THROUGH THE DIVISION HE WAS IN. HE WAS SECTION CHIEF OF THE  
20 DOMESTIC INTELLIGENCE DIVISION.

21 HIS TESTIMONY WOULD BE THAT HE DID NOT PERSONALLY  
22 SEE IT.

23 THE COURT: WELL, IT WASN'T SOMEBODY IN HIS -- ON  
24 HIS STAFF DID. I'M ASKING THIS QUESTION.

25 MR. WHITE: THAT'S PROBABLE.





1 THE COURT: OKAY.

2 THE JURY'S GOT TO DRAW SOME INFERENCE WHETHER  
3 HE'S RESPONSIBLE FOR IT OR ISN'T.

4 OBJECTION IS OVERRULED.

5 (WHEREUPON, THE PROCEEDINGS HAD AT THE BENCH WERE  
6 CONCLUDED, THE WITNESS RESUMED THE WITNESS STAND, AND  
7 THE TRIAL RESUMED, AS FOLLOWS:)

8 BY MS. PILSBURY:

9 Q MR. BRENNAN, HAVE YOU HAD A CHANCE TO REVIEW  
10 PLAINTIFFS' EXHIBIT 31-A?

11 A NO.

12 IF YOU'LL GIVE ME A MOMENT.

13 Q PLEASE TAKE YOUR TIME.

14 THE COURT: WHILE HE'S DOING THAT, COUNSEL PLEASE  
15 COME BACK AGAIN.

16 (WHEREUPON, THE WITNESS STEPPED DOWN FROM THE  
17 WITNESS STAND, COUNSEL FOR ALL PARTIES APPROACHED THE  
18 BENCH AND CONFERRED WITH THE COURT, AS FOLLOWS:)

19 THE COURT: THERE WILL BE NO PUBLICATION OF THIS TO  
20 THE JURY AT THIS TIME.

21 MR. WHITE: YES, YOUR HONOR.

22 (WHEREUPON, THE PROCEEDINGS HAD AT THE BENCH WERE  
23 CONCLUDED, THE WITNESS RESUMED THE WITNESS STAND, AND  
24 THE TRIAL CONTINUED, AS FOLLOWS:)

25 BY MS. PILSBURY:



1 Q MR. BRENNAN, HAVE YOU HAD A CHANCE TO BECOME  
2 FAMILIAR WITH THAT DOCUMENT?

3 A YES.

4 Q COULD YOU JUST DESCRIBE IN GENERAL TERMS WHAT IT  
5 IS?

6 A IT'S A LETTER FROM NEW YORK TO FBI HEADQUARTERS  
7 IN CONNECTION WITH THE SOCIALIST WORKERS PARTY DISRUPTION  
8 PROGRAM IN WHICH NEW YORK IS ADVISED -- FURNISHING A COPY OF  
9 A LEAFLET MAILED -- WHICH THEY HAD MAILED TO THE NEW LEFT  
10 AND RELATED GROUPS UNDER THE COUNTERINTELLIGENCE PROGRAM  
11 IN ORDER TO CAUSE DISRUPTION.

12 Q CAUSE DISRUPTION IN WHICH GROUPS?

13 A PRIMARILY THE NEW MOBILIZATION COMMITTEE TO END  
14 THE WAR IN VIETNAM.

15 Q AND WAS THIS, AS YOU RECALL, GENERALLY IN KEEPING  
16 WITH BUREAU POLICY AT THAT TIME?

17 A YES.

18 Q AND WOULD THIS HAVE COME THROUGH YOUR OFFICE?

19 A IT WOULD HAVE COME INTO THE DOMESTIC  
20 INTELLIGENCE DIVISION.

21 Q AND IN 1970 WERE YOU CHIEF OF THE DOMESTIC  
22 INTELLIGENCE DIVISION?

23 A YES.

24 MS. PILSBURY: I MOVE THIS INTO EVIDENCE,  
25 YOUR HONOR, PLAINTIFFS' EXHIBIT 31-A.



1 THE COURT: DEFENDANT HAS OBJECTED. THE OBJECTION  
2 IS OVERRULED.

3 IT'S RECEIVED.

4 THE DEFENDANT OBJECTED AT THE BENCH.

5 (PLAINTIFFS' EXHIBIT NO. 31-A WAS  
6 RECEIVED IN EVIDENCE.)

7 BY MS. PILSBURY:

8 Q AGAIN, MR. BRENNAN, A SIMILAR QUESTION TO ONE I  
9 ASKED YOU EARLIER.

10 IF THE FBI WAS CONCERNED ABOUT THE INFLUENCE OF  
11 THE SOCIALIST WORKERS PARTY AND THE NEW MOBE WHY DID IT NOT  
12 COMMUNICATE THAT CONCERN OPENLY?

13 A WITH WHAT PURPOSE?

14 Q WELL, FOR WHATEVER PURPOSE THE FBI WAS CONCERNED.

15 A THE SWP WOULD NOT BE EXPECTED TO RESPOND TO THE  
16 FBI'S CONCERN. IT WAS A COMMUNIST ORGANIZATION.

17 Q BUT DID THE FBI EVER ATTEMPT TO TELL THE PEOPLE  
18 IN THE NEW MOBILIZATION COMMITTEE ABOUT THE FBI'S CONCERN  
19 THAT IT WAS COMMUNIST INFILTRATED?

20 A I BELIEVE THAT IN HIS APPROPRIATIONS TESTIMONY  
21 FOR SEVERAL YEARS MR. HOOVER INDICATED THE EXTENT OF THE  
22 COMMUNIST INFILTRATION, INCLUDING THAT OF THE SWP AND NEW  
23 MOBE COMMITTEE.

24 Q THAT BEING THE CASE, MR. BRENNAN, WHY DID THE  
25 FBI FEEL IT NECESSARY TO ENGAGE IN SUBTERFUGE?





1           A       IN ORDER TO DISRUPT THESE ORGANIZATIONS WITH A  
2 PARTICULAR AIM OF NEUTRALIZING THEIR CAPACITY TO ORGANIZE  
3 LARGE-SCALE DEMONSTRATIONS WHEREIN THESE DEMONSTRATIONS  
4 PRESENTED THE OPPORTUNITIES FOR OUTBREAKS OF VIOLENCE THAT  
5 I'VE INDICATED BEFORE.

6           Q       DID YOU WANT TO DISRUPT THE ACTIVITIES OF THE  
7 PEOPLE WHO YOU DID NOT IDENTIFY AS COMMUNISTS?

8           A       WE WERE PARTICULARLY CONCERNED ABOUT DEMONSTRATIONS  
9 BECOMING A VEHICLE FOR VIOLENCE.

10          Q       YOU'VE INDICATED THAT IT WAS YOUR BELIEF THAT HALF  
11 OF THE PEOPLE ON THE NEW MOBE STEERING COMMITTEE WERE  
12 COMMUNISTS.

13          A       NO. I DIDN'T SAY THAT.

14          Q       I'M SORRY.

15                 WHAT WAS YOUR TESTIMONY?

16          A       A GOOD PERCENTAGE. POSSIBLY TWENTY-FIVE PERCENT  
17 OF THE SIXTY INDIVIDUALS WHO WERE ON THE COMMITTEE.

18          Q       MY QUESTION RELATES TO THE OTHER SEVENTY-FIVE  
19 PERCENT.

20                 WAS IT YOUR GOAL TO DISRUPT THEIR ACTIVITIES AS  
21 WELL?

22          A       INSOFAR AS THEY WERE ACTIVE IN TRYING TO ORGANIZE  
23 THESE DEMONSTRATIONS.

24          Q       OKAY.

25                 MR. BRENNAN, LET ME ASK YOU ABOUT A DIFFERENT TOPIC.





1 ARE YOU FAMILIAR WITH THE TERM "SECURITY INDEX"?

2 A YES, I AM.

3 Q AND WAS THAT SOMETHING YOU HAD ANY RESPONSIBILITY  
4 FOR WHEN YOU WERE IN THE DOMESTIC INTELLIGENCE DIVISION?

5 A YES.

6 Q WHAT WAS YOUR RESPONSIBILITY?

7 A THE SECURITY INDEX SYSTEM WAS MAINTAINED BY THE  
8 INTERNAL SECURITY SECTION.

9 Q FOR HOW LONG WAS THE SECURITY INDEX IN EXISTENCE?

10 A I BELIEVE IT DATES BACK TO WORLD WAR TWO.

11 Q IS IT STILL IN EXISTENCE?

12 A I HAVE NO IDEA.

13 Q WAS IT WHEN YOU LEFT THE BUREAU IN 1974?

14 A I HAVE NO IDEA OF THAT EITHER.

15 Q I'M SORRY.

16 WAS IT IN EXISTENCE WHEN YOU LEFT THE DOMESTIC  
17 INTELLIGENCE DIVISION IN -- I BELIEVE IT WAS IN 1971?

18 A I BELIEVE IT WAS.

19 Q DID THE SECURITY INDEX -- WAS IT ALWAYS KNOWN BY  
20 THAT NAME?

21 A I BELIEVE SO.

22 Q ARE YOU FAMILIAR WITH THE TERM "ADMINISTRATIVE  
23 INDEX"?

24 A I DON'T REMEMBER THAT.

25 Q ARE YOU FAMILIAR WITH TERM "AGITATOR INDEX"?



1 A YES.

2 Q "RABBLE ROUSER INDEX"?

3 A YES.

4 Q ARE THESE ALL INDEXES THAT WERE MAINTAINED WITHIN  
5 THE DOMESTIC INTELLIGENCE DIVISION?

6 A I BELIEVE SO.

7 Q WHAT'S THE DIFFERENCE BETWEEN THE THREE INDEXES  
8 THAT YOU HAVE INDICATED FAMILIARITY WITH?

9 A I BELIEVE THE AGITATOR INDEX -- I MAY GET THESE  
10 BACKWARDS.

11 THE DEPARTMENT OF JUSTICE AND THE FBI WERE  
12 CONCERNED ABOUT THE NUMBER OF RIOTS THAT WERE TAKING PLACE  
13 AROUND THE COUNTRY, AND I BELIEVE THERE WAS A CONFERENCE HELD  
14 AT WHICH THEY DECIDED IT WOULD BE ADVISABLE TO ESTABLISH  
15 AN INDEX OF PERSONS WHO HAD ENGAGED IN THE RIOTS OR WHO  
16 ADVOCATED RIOTING.

17 IF I RECALL CORRECTLY, I BELIEVE IT STARTED OUT  
18 AS A RABBLE ROUSER INDEX, AND I BELIEVE SUBSEQUENTLY SOMEBODY  
19 FOUND THE NAME OF THAT OBJECTIONABLE, AND I BELIEVE THEY  
20 CHANGED THAT TO THE AGITATOR INDEX.

21 Q SO VERY POSSIBLY THOSE TWO INDEXES ARE THE SAME.

22 A I THINK SO.

23 Q JUST AT DIFFERENT TIMES.

24 A YES.

25 Q AND THE CRITERIA FOR APPEARING ON THAT INDEX



1 WAS THAT THE PERSON HAD ENGAGED IN A RIOT OR ADVOCATED  
2 RIOTING?

3 A I DON'T RECALL THE SPECIFIC CRITERIA.

4 THOSE INDEXES, IF I RECALL CORRECTLY, WERE NOT  
5 MAINTAINED UNDER MY SUPERVISION.

6 Q WAS THE SECURITY INDEX MAINTAINED UNDER YOUR  
7 SUPERVISION?

8 A YES.

9 Q WERE THESE INDEXES LISTS OF PERSONS' NAMES?

10 A YES.

11 Q WHAT WERE THE CRITERIA, CRITERION, FOR A PERSON  
12 TO BE LISTED ON A SECURITY INDEX?

13 A BASICALLY, IT INVOLVED INDIVIDUALS WHO WERE --  
14 I BELIEVE WHO WERE THEN CURRENTLY OR WHO IN THE PAST HAD  
15 BEEN ACTIVE MEMBERS OF SUBVERSIVE ORGANIZATIONS.

16 Q SAY A PERSON HAD BEEN A MEMBER OF -- COULD YOU  
17 GIVE US AN EXAMPLE OF A SUBVERSIVE ORGANIZATION?

18 A WELL, FOR EXAMPLE -- I THINK YOU HAD A LONG LIST  
19 OF THEM -- ORGANIZATIONS WHICH HAVE BEEN DESIGNATED BY THE  
20 ATTORNEY GENERAL.

21 Q AND THAT WAS THE LIST YOU USED BASICALLY?

22 A I DON'T REMEMBER WHETHER IT WAS JUST BASICALLY  
23 THE ATTORNEY GENERAL'S LIST OR NOT, BUT I BELIEVE THAT  
24 INVOLVED AN AWFUL LOT OF THEM.

25 Q WOULD MERE MEMBERSHIP IN AN ORGANIZATION BE





1 ENOUGH TO QUALIFY SOMEONE TO BE ON THE SECURITY INDEX?

2 A I REALLY DON'T REMEMBER THE SPECIFIC CRITERIA.

3 THERE WAS AN AGREEMENT WHICH EXISTED BETWEEN THE  
4 FBI AND THE DEPARTMENT OF JUSTICE WHEREBY IF THE INDIVIDUAL  
5 FIT CERTAIN CRITERIA THE FBI WOULD FORWARD THE NAME TO  
6 THE DEPARTMENT OF JUSTICE FOR INCLUSION ON THE SECURITY  
7 INDEX.

8 BUT AS TO THE SPECIFICS OF THE CRITERIA, I FORGET  
9 IT RIGHT NOW.

10 Q OKAY.

11 I'M GOING TO SHOW YOU A DOCUMENT MARKED FOR  
12 IDENTIFICATION AS PLAINTIFFS' EXHIBIT 80, MR. BRENNAN.

13 WOULD YOU TAKE A MINUTE AND REVIEW THAT AND SEE  
14 IF IT REFRESHES YOUR MEMORY AS TO THE CRITERIA USED TO LIST  
15 SOMEBODY ON THE SECURITY INDEX?

16 (PAUSE)

17 THE COURT: EIGHTY IS IN EVIDENCE.

18 MS. PILSBURY: YES.

19 (PAUSE)

20 THE WITNESS: YES.

21 BY MS. PILSBURY:

22 Q NOW, MR. BRENNAN, WITH YOUR MEMORY REFRESHED,  
23 DOES THE INDEX CONTAIN THREE CATEGORIES?

24 A ARE YOU TALKING ABOUT CATEGORIES OR PRIORITIES?

25 Q WELL, PRIORITIES, THEN.



1 A YES.

2 Q AND IS MERE MEMBERSHIP SUFFICIENT TO QUALIFY A  
3 PERSON TO BE LISTED ON THE INDEX UNDER PRIORITY THREE?

4 A PRIORITY THREE WAS MADE UP OF RANK AND FILE  
5 MEMBERS.

6 Q SO, DO YOU WANT ME TO ASK THE QUESTION AGAIN?  
7 WOULD MEMBERSHIP ALONE BE ENOUGH TO QUALIFY A  
8 PERSON TO BE ON THE SECURITY INDEX UNDER PRIORITY THREE?

9 A YES.

10 Q AND THEN, WHAT WAS THE CRITERIA FOR PRIORITY TWO?

11 A SECOND LEVEL LEADERSHIP IN AN ORGANIZATION.

12 Q AGAIN, MEMBERSHIP PLUS LEADERSHIP IN THAT  
13 ORGANIZATION WOULD BE ENOUGH.

14 A SECOND LEVEL LEADERSHIP CAPACITY.

15 Q AND WHAT WAS THE CRITERIA FOR PRIORITY ONE?

16 A BASICALLY, TOP LEADERS.

17 Q ANY OTHER CRITERIA?

18 A TOP NATIONAL AND STATE LEADERSHIP OF BASIC  
19 SUBVERSIVE ORGANIZATIONS, LEADERS OF ANARCHISTIC GROUPS,  
20 INDIVIDUALS WHO HAVE SHOWN THE GREATEST PROPENSITY FOR  
21 VIOLENCE, AS WELL AS THOSE WHO HAVE SPECIAL TRAINING IN  
22 SABOTAGE, ESPIONAGE, GUERILLA WARFARE, ET CETERA.

23 Q WHAT YOU HAVE JUST READ, MR. BRENNAN, IS A  
24 DIRECT QUOTE, IS IT NOT, FROM THE DOCUMENT BEFORE YOU?

25 A YES. FROM THE DOCUMENT, YES.



1 Q NOW, MY QUESTION, MR. BRENNAN, IS THIS.

2 HOW WOULD YOU OBTAIN YOUR INFORMATION TO DETERMINE  
3 WHETHER OR NOT AN INDIVIDUAL WAS, FOR INSTANCE, ONE WHO HAD  
4 A PROPENSITY FOR VIOLENCE OR SPECIAL TRAINING IN SABOTAGE,  
5 ESPIONAGE, GUERILLA WARFARE, ET CETERA?

6 A AGAIN, THROUGH INVESTIGATION.

7 Q THROUGH YOUR DOMESTIC INTELLIGENCE INVESTIGATIONS?

8 A YES.

9 Q WOULD YOU EVER INTERVIEW THE PEOPLE THEMSELVES  
10 THAT YOU WERE THINKING OF PLACING ON THE SECURITY INDEX?

11 A YES.

12 Q TO CHECK AND SEE IF YOUR INFORMATION WAS CORRECT?

13 A YES.

14 Q WOULD YOU TELL THEM THAT YOU BELIEVED THAT THEY  
15 HAD SPECIAL TRAINING IN SABOTAGE AND ESPIONAGE AND ASK  
16 WHETHER OR NOT THAT WAS CORRECT?

17 A NO.

18 WE WOULD ASK THEM WHETHER THEY HAD -- WE WOULDN'T  
19 TELL THEM THEY HAD. WE'D ASK THEM WHETHER THEY HAD.

20 Q WOULD YOU TELL THEM ABOUT THE SECURITY INDEX?

21 A NO.

22 Q THAT WAS NOT A PUBLIC PROGRAM; WAS IT NOT?

23 A NO.

24 Q SO IF A PERSON WAS LISTED ON THE SECURITY INDEX  
25 INCORRECTLY, THAT PERSON WOULDN'T HAVE ANY WAY OF KNOWING





1 ABOUT IT; WOULD HE?

2 A NO.

3 Q WAS COINTELPRO NEW LEFT A PUBLIC PROGRAM?

4 A NO, IT WAS NOT.

5 Q AND IT WOULDN'T BE THE SORT OF THING THAT THE FBI  
6 WOULD MENTION ON, FOR INSTANCE, TOURS THAT THEY WOULD GIVE  
7 AT THE BUILDING?

8 A NO, THEY WOULD NOT BE.

9 Q DO YOU RECALL WHEN THE PUBLIC WAS TOLD ABOUT THE  
10 COINTELPRO PROGRAMS BY THE FBI?

11 A PROBABLY THE PUBLIC LEARNED OF IT THROUGH THE  
12 BURGLARY THAT WAS CONDUCTED. WHEN OUR RESIDENT AGENCY IN  
13 MEDIA, PENNSYLVANIA, WAS BURGLARIZED.

14 Q MR. BRENNAN, THAT WASN'T MY QUESTION.

15 DID THERE COME A TIME WHEN THE FBI PUBLICLY  
16 ANNOUNCED THE EXISTENCE OF THE COINTELPRO PROGRAMS?

17 WAS THERE A PRESS CONFERENCE AT WHICH THEY WERE  
18 ANNOUNCED, DO YOU RECALL?

19 A NOT THAT I RECALL.

20 Q DID THERE COME A TIME WHEN THE FBI ENDED THE  
21 COINTEL PROGRAMS?

22 A YES.

23 Q DO YOU RECALL WHEN THAT WAS?

24 A THE SPECIFIC DATE, I DON'T RECALL.

25 Q WAS IT WHILE YOU WERE STILL AT THE FBI?



1 A YES.

2 Q DID DOMESTIC INTELLIGENCE INVESTIGATIONS CONTINUE  
3 AFTER THE COINTELPRO PROGRAMS WERE ENDED?

4 A YES.

5 Q NOW, YOU HAVE INDICATED IN YOUR TESTIMONY THAT  
6 THE FBI WAS CONCERNED ABOUT THE NEW MOBE AND THE BLACK  
7 UNITED FRONT GETTING TOGETHER.

8 CAN YOU EXPLAIN WHAT THE FBI'S CONCERN WOULD HAVE  
9 BEEN ABOUT SUCH GROUPS AS THE WASHINGTON PEACE CENTER?

10 ARE YOU FAMILIAR WITH THAT GROUP?

11 A I DON'T RECALL THAT AT THE MOMENT.

12 Q WOMEN'S STRIKE FOR PEACE?

13 A I REMEMBER THAT ORGANIZATION.

14 Q AND WHAT WAS THE NATURE OF THE FBI'S CONCERN ABOUT  
15 WOMEN'S STRIKE FOR PEACE?

16 A I BELIEVE THE BASIS FOR THE INVESTIGATION OF THAT  
17 ORGANIZATION WAS TO DETERMINE WHETHER OR NOT THERE HAD BEEN  
18 COMMUNIST INFILTRATION INTO THE ORGANIZATION.

19 Q WAS THE WOMEN'S STRIKE FOR PEACE AN ORGANIZATION  
20 THAT ADVOCATED VIOLENCE, AS FAR AS YOU WERE ABLE TO  
21 DETERMINE?

22 A NO.

23 Q DO YOU RECALL WHETHER OR NOT THE FBI HAD ANY  
24 PARTICULAR CONCERN OR INTEREST IN COMMUNITY GROUPS IN  
25 WASHINGTON, D. C., OPPOSING THE CONSTRUCTION OF A FREEWAY?



1           A       I DON'T RECALL ANY SUCH INTEREST, NO.

2           Q       NOW, YOU INDICATED, I BELIEVE, EARLIER THAT PART  
3 OF THE REASON FOR THE COINTELPRO PROGRAMS WAS TO DISRUPT  
4 GROUPS THAT WERE INIMICAL TO THE INTERESTS OF THE  
5 UNITED STATES.

6                   AND I BELIEVE YOU INDICATED THAT THE INTEREST OF  
7 THE UNITED STATES WOULD BE DETERMINED BY PEOPLE AT THE FBI.

8                   WOULD THIS ALSO APPLY TO THE AGENTS IN THE FIELD  
9 WHO WERE CHARGED WITH DEVELOPING IMAGINATIVE COINTELPRO  
10 ACTIVITIES?

11          A       YES, I WOULD SAY SO.

12          Q       IN OTHER WORDS, THEY WOULD BE FREE TO DETERMINE  
13 WHAT THE INTERESTS OF THE UNITED STATES WERE?

14          A       IN A GENERAL SENSE, YES.

15                   MS. PILSBURY: THANK YOU, YOUR HONOR.

16                   I HAVE NO FURTHER QUESTIONS ON DIRECT.

17                   THE COURT: MR. WHITE.

18                   DO YOU ALL WANT TO TAKE A STRETCH FOR A MOMENT,  
19 WHILE MR. WHITE IS GATHERING HIS MATERIAL? PLEASE DO.

20                   MR. BRENNAN, IF YOU WOULD LIKE TO STRETCH.

21                   THE WITNESS: YOUR HONOR, IF I COULD.

22                   MR. BARCLAY: YOUR HONOR, COULD I BE EXCUSED?

23                   MS. BONN: IS HERE.

24                   THE COURT: YES.

25                   CROSS EXAMINATION



1 BY MR. WHITE:

2 Q MR. BRENNAN, WOULD YOU STATE FOR THE JURY AGAIN,  
3 PLEASE, WHEN YOU FIRST BECAME CHIEF OF THE INTERNAL SECURITY  
4 SECTION?

5 A I BELIEVE IT WAS APPROXIMATELY DECEMBER OF 1966.

6 Q AND HOW LONG DID YOU REMAIN IN THAT POSITION?

7 A UNTIL SEPTEMBER OF 1970.

8 Q AND WHAT WAS YOUR NEXT ASSIGNMENT?

9 A I WAS THEN DESIGNATED ASSISTANT DIRECTOR OF THE  
10 DOMESTIC INTELLIGENCE DIVISION ON THAT DATE.

11 Q AND HOW LONG DID YOU REMAIN AS THE ASSISTANT  
12 DIRECTOR FOR DOMESTIC INTELLIGENCE?

13 A ONE YEAR. UNTIL SEPTEMBER 1971.

14 Q WHILE YOU WERE CHIEF OF THE SECTION DID YOU HAVE  
15 ANY OTHER FUNCTION WITHIN THE FBI OR ON BEHALF OF THE FBI?

16 A YES.

17 I WAS ONE OF APPROXIMATELY HALF A DOZEN OF WHAT WE  
18 CALLED "APPROVED FBI SPEAKERS" DESIGNATED TO TRAVEL  
19 THROUGHOUT THE COUNTRY IN RESPONSE TO REQUESTS MADE BY  
20 VARIOUS GROUPS TO SPEAK ON INTERNAL SECURITY PROBLEMS.

21 THE SUBJECT WAS A DELICATE ONE, AND BECAUSE OF  
22 ITS DELICACY THE SPECIAL AGENTS IN CHARGE OF OUR FIFTY FIELD  
23 OFFICES WERE NOT APPROVED TO SPEAK ON SECURITY MATTERS, AND  
24 NEITHER WERE ANY PERSONNEL OF THE OFFICES.

25 BUT I DID TRAVEL EXTENSIVELY ALL THROUGHOUT THAT





1 ENTIRE PERIOD, TRAVELING THROUGHOUT THE UNITED STATES AND  
2 MAKING GUEST APPEARANCES, SPEAKING.

3 Q WOULD YOU BE ABLE TO ESTIMATE, SIR, THE AMOUNT OF  
4 TIME THIS DUTY -- THE PROPORTION OF YOUR TIME THAT THE DUTY  
5 REQUIRED?

6 A IT WOULD VARY.

7 IT MIGHT TAKE THREE OR FOUR DAYS AT A TIME IN  
8 CONNECTION WITH SEVERAL DIFFERENT APPEARANCES. IT MIGHT TAKE  
9 ONE DAY, IF IT HAPPENED TO BE NEARBY.

10 I WOULD ESTIMATE THAT I WAS PROBABLY GONE, LET'S  
11 SAY, SEVERAL DAYS EACH MONTH IN CONNECTION WITH SUCH  
12 ASSIGNMENTS.

13 Q WAS THERE SOMEONE AUTHORIZED TO ACT IN YOUR BEHALF,  
14 OR IN YOUR STEAD, I THINK WOULD BE MORE CORRECT, DURING  
15 THOSE ABSENCES?

16 A WHOEVER WOULD SIT ON MY DESK, ACTING FOR ME, HAD  
17 THE AUTHORITY TO ACT FOR ME.

18 Q WAS THERE ANY PARTICULAR PERSON WHO NORMALLY  
19 FULFILLED THAT FUNCTION?

20 A AS A SECTION CHIEF YOU HAD WHAT WAS DESIGNATED AS  
21 "NUMBER ONE MAN," WHO WAS IN EFFECT AN ASSISTANT CHIEF.

22 IN YOUR ABSENCE THE NUMBER ONE MAN WOULD ACT AS  
23 THE ACTING CHIEF AND HE WOULD BRING UP A UNIT CHIEF TO SERVE  
24 IN HIS CAPACITY IF THE NUMBER ONE MAN ALSO, FOR SOME REASON,  
25 HAPPENED TO BE AWAY.



1 HE WOULD HAVE TO THEN ALSO, IN TURN, PICK A UNIT  
2 CHIEF UP WHO WOULD THEN SERVE AS AN ACTING CHIEF IN THE  
3 ABSENCE OF BOTH OF US.

4 Q NOW, WAS THERE ANY PARTICULAR PERSON -- WELL,  
5 WHAT WERE THE NAMES OF THE NUMBER ONE MAN THAT YOU HAD  
6 DURING THE PERIOD YOU WERE SECTION CHIEF?

7 A I HAD SEVERAL. ONE WAS JACK HERINGTON. ANOTHER  
8 ONE WAS CONRAD THOMPSON.

9 AND I THINK IT WAS MOSTLY THOSE TWO DURING THE  
10 TIME I WAS SECTION CHIEF.

11 Q DURING THE TIME YOU WERE SECTION CHIEF WAS THERE  
12 A STANDARD PROCEDURE IN THE FEDERAL BUREAU OF INVESTIGATION  
13 REGARDING THE NAMES THAT WOULD APPEAR ON MEMORANDA INTERNAL  
14 TO FBI HEADQUARTERS?

15 A YES.

16 INTERNAL MEMORANDA WERE PREPARED FOR ROUTING  
17 PURPOSES. THERE WERE SEVEN SECTIONS INSIDE THE DOMESTIC  
18 INTELLIGENCE DIVISION. THUS, THERE WERE SEVEN SECTION CHIEFS.

19 THE CUSTOM HAD BEEN ESTABLISHED YEARS BEFORE  
20 THAT ANY MEMORANDA WHICH WOULD LEAVE A PARTICULAR SECTION  
21 WOULD GO BEARING THE NAME OF THE SECTION CHIEF TO BE  
22 FORWARDED TO THE INDIVIDUAL WHO WAS THE ASSISTANT DIRECTOR  
23 OF THE DIVISION.

24 SO ALL MEMORANDA WHICH WAS PREPARED IN MY SECTION,  
25 WHICH WAS SUPPOSED TO LEAVE MY SECTION, HAD TO GO ADDRESSED



1 FROM C. B. BRENNAN TO W. C. SULLIVAN.

2 THE COURT: EXCUSE THE JURY.

3 MARSHAL.

4 COUNSEL COME TO THE BENCH.

5 (WHEREUPON, THE JURY RETIRES FROM THE COURTROOM,  
6 THE WITNESS STEPS DOWN FROM THE WITNESS STAND, COUNSEL  
7 FOR ALL PARTIES APPROACH THE BENCH AND CONFER WITH THE  
8 COURT, AS FOLLOWS:)

9 THE COURT: I DON'T TO MAKE AN ISSUE ABOUT THIS  
10 AND I KNOW HOW PEOPLE ARE INVOLVED, FEEL STRONGLY, BUT  
11 I THINK I JUST NOTICED MR. JONES MAKING GESTURES TO THE  
12 WITNESS, AND I'M SURE IT'S A REFLEX; AND I'M NOT MAKING AN  
13 ISSUE OUT OF IT.

14 I ALSO THOUGHT I NOTICED SOME KIND OF EYE CONTACT  
15 SIGNAL WITH YOUR COLLEAGUE AT COUNSEL TABLE A FEW HOURS AGO.

16 I DIDN'T SAY ANYTHING ABOUT IT. I THOUGHT IT  
17 WAS ACCIDENTAL.

18 LET ME BE EXCUSED A MINUTE.

19 YOU HAVE A CONFERENCE WITH HIM ABOUT THAT.

20 MR. WHITE: YOUR HONOR, I WOULD LIKE TO PLACE  
21 THIS ON THE RECORD.

22 I NOTICED FREQUENTLY DURING MR. JONES'S AND  
23 MR. BRENNAN'S TESTIMONY THAT THEY WOULD MAKE EYE CONTACT  
24 WITH ME DURING THE COURSE OF THEIR TESTIMONY, AND I CAN  
25 ASSURE YOU --





1 THE COURT: I WASN'T TALKING ABOUT EITHER --

2 MR. WHITE: FOR THE PURPOSE -- IT WAS NOT FOR THE  
3 PURPOSE OF ANY SIGNAL.

4 THE COURT: I UNDERSTAND.

5 I DON'T THINK ANY OF THIS IS INTENTIONAL. IT'S  
6 A REFLEX -- PEOPLE WITH PINBALL MACHINES -- AND I HAVE HAD  
7 THIS COME UP A LOT OF TIMES. AND I DON'T WANT TO MAKE A  
8 SCENE ABOUT IT.

9 I JUST WANT TO GIVE YOU AN OPPORTUNITY TO  
10 CAUTION THEM.

11 MR. WHITE: I WILL ADVISE MY CO-COUNSEL AND MR. JONES  
12 OF YOUR REMARKS.

13 THE COURT: I WOULD APPRECIATE IT.

14 DO YOU WANT ME TO SAY IT TO THEM DIRECT?

15 MR. WHITE: I'LL HANDLE IT MYSELF, YOUR HONOR.

16 THE COURT: THIS IS A CAUTIONARY GESTURE.

17 MS. PILSBURY: I THINK ONE OF THE WITNESSES,  
18 ONE OF THE PEOPLE, SITTING IN THAT'S A FRIEND OF PLAINTIFF'S,  
19 NOTICED IT THIS MORNING AND MENTIONED IT TO ME.

20 THE JURY MAY HAVE NOTICED IT, TOO.

21 THE COURT: I DON'T CARE WITH THE JURY THIS TIME.

22 I KNOW THAT YOU WON'T ALLOW ANYTHING LIKE THAT  
23 TO HAPPEN IF YOU NOTICED IT, AND I NOTICED IT, AND I WANT  
24 TO GIVE YOU AN OPPORTUNITY TO STRAIGHTEN IT OUT.

25 THANK YOU.



1 I'LL TAKE A TWO-MINUTE RECESS.

2 (WHEREUPON, THE PROCEEDINGS HAD AT THE BENCH WERE  
3 CONCLUDED AND A BRIEF RECESS WAS TAKEN.)

4 THE COURT: YOU CAN BRING BACK THE JURY.

5 (WHEREUPON, THE JURY ENTERS THE COURTROOM AND  
6 TAKES THEIR SEATS IN THE JURY BOX.)

7 THE COURT: YOU MAY CONTINUE, MR. WHITE.

8 BY MR. WHITE:

9 Q MR. BRENNAN, REGARDING THE TRANSMISSION OF  
10 DOCUMENTS, WOULD DOCUMENTS THAT WERE TRANSMITTED WITHIN  
11 HEADQUARTERS FROM YOUR SECTION TO THE ASSISTANT DIRECTOR  
12 BEAR YOUR NAME DURING THE OCCASION OF YOUR ABSENCE?

13 A YES.

14 Q WOULD THERE BE A FILE KEPT, OR SOME OTHER  
15 REPOSITARY, TO ADVISE YOU OF THE DOCUMENTS THAT HAD BEEN  
16 TRANSMITTED DURING THE DAYS OF YOUR ABSENCE?

17 A NO.

18 Q DID YOUR NUMBER ONE MAN, OR WHOEVER WAS SITTING  
19 IN FOR YOU, HAVE FULL AUTHORITY TO ACT AS THE SECTION CHIEF  
20 DURING YOUR ABSENCE?

21 A YES, HE DID.

22 Q MR. BRENNAN, I PLACE BEFORE YOU EXHIBIT NUMBER  
23 THREE.

24 WOULD YOU DESCRIBE BRIEFLY FOR THE JURY THE NATURE  
25 OF EXHIBIT NUMBER THREE?



1 A YES.

2 IT'S A MEMORANDUM FROM ME TO THE SECTION CHIEF,  
3 TO MR. W. C. SULLIVAN, WHO WAS THEN THE ASSISTANT DIRECTOR.

4 IT'S DATED MAY 9, 1968, AND IT DEALS WITH A  
5 COUNTERINTELLIGENCE PROGRAM INTERNAL SECURITY DISRUPTION  
6 OF THE NEW LEFT.

7 IT'S ASKING MR. HOOVER'S APPROVAL FOR THE DOMESTIC  
8 INTELLIGENCE DIVISION TO INITIATE A COORDINATED COUNTER-  
9 INTELLIGENCE PROGRAM DIRECTED AT EXPOSING AND DISRUPTING  
10 AND NEUTRALIZING THE NEW LEFT AND KEY ACTIVISTS.

11 Q WHO WAS THE AUTHOR OF THIS DOCUMENT?

12 A HAD JOINT AUTHORSHIP, AS INDICATED BY THE INITIALS  
13 DOWN HERE IN THE LEFT-HAND CORNER -- "EPG/BAW."

14 EPG WAS EDWARD P. GREGOS, A SUPERVISOR IN THE  
15 INTERNAL SECURITY SECTION. BAW IS BURTON A. WELLS, ANOTHER  
16 SUPERVISOR WHO WORKED IN THE INTERNAL SECURITY SECTION.

17 Q DO YOUR PERSONAL INITIALS APPEAR ON THIS DOCUMENT?

18 A YES.

19 Q WHERE DO THEY APPEAR, SIR?

20 A THEY APPEAR BY MY NAME, WHERE IT SAYS, "FROM  
21 C. B. BRENNAN," "TO W. C. SULLIVAN."

22 THE INITIALING BY ME AT THAT POINT INDICATES THAT  
23 IN EFFECT I APPROVED THE RECOMMENDATION, AND THE INITIALING  
24 BY ME AT THAT POINT IS MY WAY OF FORWARDING THE DOCUMENT  
25 TO THE OFFICE OF THE ASSISTANT DIRECTOR FOR HIS REVIEW AND,



1 SUPPOSEDLY, FOR HIS APPROVAL.

2 Q DO YOUR INITIALS APPEAR ON ANY OTHER LOCATION ON  
3 THE DOCUMENT?

4 A YES.

5 ON THE UPPER RIGHT-HAND SIDE OF THE DOCUMENT.

6 Q AND WHAT'S THE SIGNIFICANCE OF THAT, SIR?

7 A THE SIGNIFICANCE OF THAT IS TO INSURE SOMEBODY  
8 HAD WRITTEN MY NAME ON THERE TO INSURE THE DOCUMENT CAME BACK  
9 DOWN TO THE INTERNAL SECURITY SECTION SO THAT I WOULD SEE  
10 THE RESULT OF THE ACTION TAKEN ABOVE.

11 AND MY INITIALS, MY NAME, AT THAT POINT INDICATE  
12 THAT I HAVE SEEN THE REPLIES RETURNED.

13 Q WHO WOULD PLACE YOUR NAME ON THE DOCUMENT, ON  
14 THAT LOCATION?

15 A THAT WOULD PROBABLY BE DONE IN THE ASSISTANT  
16 DIRECTOR'S OFFICE.

17 THE COURT: EXCUSE ME. I DIDN'T GET THAT.

18 THE WITNESS: THE ASSISTANT DIRECTOR.

19 THE COURT: THE INITIALS -- YOUR INITIALS IN THE  
20 RIGHT-HAND CORNER WERE PUT THERE BY SOMEBODY ELSE.

21 THE WITNESS: NO.

22 THE INITIALS IN THE RIGHT-HAND CORNER ARE MY  
23 INITIALS.

24 THE INITIALS ON THE LEFT SIDE, BY MY NAME,  
25 TRANSPORT THE DOCUMENT OUT OF THE SECTION. FOR IT TO COME.





1 BACK DOWN AND TO INDICATE THAT I HAVE SEEN IT, THEY WRITE  
2 MY NAME HERE, AND I HAVE TO INITIAL AGAIN TO INDICATE THAT  
3 I'VE SEEN IT ON RETURN.

4 THE COURT: THERE'S A THIRD PLACE. I SEE A  
5 SORT OF -- LOOKS LIKE A LADDER.

6 THE WITNESS: THAT, SIR, IS WHAT THEY CALLED A  
7 ROUTING BLOCK, THAT MR. HOOVER WOULD USE.

8 IT HAS THE NAMES MOSTLY OF THE OTHER ASSISTANT  
9 DIRECTORS AROUND THE FBI.

10 THE COURT: SOMEBODY ELSE WROTE YOUR NAME ON THAT  
11 LADDER, FOR YOUR INITIALS.

12 THE WITNESS: NO.

13 YOU CAN'T MAKE IT OUT THERE -- MY NAME IS WRITTEN  
14 ACROSS HERE, NEXT TO THE LADDER, AND MY INITIALS ARE HERE.

15 THAT IS MERELY FOR ME TO SIGNIFY THAT I HAVE SEEN  
16 THE DOCUMENT COMING BACK.

17 THE COURT: THANK YOU.

18 BY MR. WHITE:

19 Q MR. BRENNAN, NOW, SIR, IF YOU WOULD LOOK AT THE  
20 SECOND PAGE OF EXHIBIT NUMBER THREE.

21 A YES.

22 Q I WOULD LIKE TO DIRECT YOUR ATTENTION TO THE  
23 INITIALS APPEARING AT THE BOTTOM OF THE TEXT, THE TYPEWRITTEN  
24 TEXT.

25 CAN YOU IDENTIFY THOSE INITIALS, SIR?



1           A       YES.

2                   FOR A COMMUNICATION OF THIS NATURE TO BE APPROVED,  
3 IT WOULD HAVE TO GO FROM ME TO FIRST A BRANCH CHIEF IN THE  
4 DIVISION.

5                   THE BRANCH CHIEF OF THE INTERNAL SECURITY SECTION  
6 AT THAT TIME WAS JOSEPH A. SIZO, AND YOU'LL SEE HIS INITIALS,  
7 "JAS."

8                   HE REVIEWS THE MATERIAL AND HE APPROVES IT BY  
9 INITIALING IT AND SENDING IT INTO THE ASSISTANT DIRECTOR'S  
10 OFFICE.

11                   THE ASSISTANT DIRECTOR AT THAT TIME WAS  
12 W. C. SULLIVAN.

13                   HIS APPROVAL IS INDICATED BY HIS INITIALS, "WCS,"  
14 ON THERE.

15                   FROM THERE IT HAS TO GO TO THE OFFICE OF THE  
16 ASSISTANT DIRECTOR, WHO AT THAT TIME WAS A MR. DE LOCHE,  
17 CARTHA DE LOCHE.

18                   HIS APPROVAL IS INDICATED BY THE INITIAL, "D,"  
19 ON THERE.

20                   FROM MR. DELOCHE'S OFFICE IT HAS TO GO TO THE  
21 OFFICE OF THE ASSOCIATE DIRECTOR. THE ASSOCIATE DIRECTOR AT  
22 THAT TIME WAS MR. CLYDE TOLSON.

23                   HIS APPROVAL IS INDICATED BY THE INITIAL, "T,"  
24 WHAT IS SUPPOSED TO BE A "T," OVER ON THE FARTHEST RIGHT-HAND  
25 SIDE THERE.



1                   AND ULTIMATELY, FROM HIS OFFICE. IT GOES TO  
2 MR. HOOVER'S OFFICE, AND HE DESIGNATES HIS APPROVAL BY  
3 MARKING, "OKAY, H."

4           Q       SO THIS DOCUMENT WAS APPROVED BY THE DIRECTOR AT  
5 THAT TIME?

6           A       YES.

7           Q       MR. BRENNAN, WAS THIS THE DOCUMENT WHICH CREATED  
8 THE COUNTERINTELLIGENCE PROGRAM NEW LEFT, EXHIBIT NUMBER THREE?

9           A       YES.

10          Q       WHAT HAD OCCURRED, OR WAS OCCURRING, WHICH MADE  
11 THE FBI DEEM THIS PROGRAM TO BE APPROPRIATE AND NECESSARY?

12          A       WELL, I THINK YOU WOULD HAVE TO LOOK AT THE CLIMATE  
13 OF THE TIME. THE COUNTRY WAS CONCERNED ABOUT THE VIOLENCE  
14 AND THE DISORDER.

15                   FOR EXAMPLE, IN THE SCHOOL YEAR 1968 AND 1969  
16 THERE WERE SOMETHING LIKE OVER EIGHT HUNDRED DEMONSTRATIONS  
17 ON TWO HUNDRED AND TWENTY-FIVE COLLEGE CAMPUSES.

18                   TWO HUNDRED BUILDINGS HAD BEEN SEIZED. THERE WERE  
19 SOMETHING LIKE SIXTY ARSONS AND/OR BOMBINGS ON COLLEGE  
20 CAMPUSES.

21                   THERE WAS A TOTAL DESTRUCTION OF CAMPUS  
22 FACILITIES AMOUNTING TO MORE THAN THREE MILLION DOLLARS. AND  
23 ALL OF THIS CONSTITUTED AN ESCALATION OF WHAT STARTED OUT  
24 REALLY IN THE FORM OF LEGITIMATE DISSENT AND PASSIVE  
25 RESISTANCE, FOCALIZED TO A GREAT EXTENT AROUND THE STUDENTS





1 FOR A DEMOCRATIC SOCIETY.

2 THE ORIGINAL FORMS OF PROTEST INVOLVED THEIR  
3 DISAGREEMENT WITH THE WARTIME POLICIES OF THE UNITED STATES,  
4 WHICH, OF COURSE, WAS LEGITIMATE DISSENT.

5 BUT THEN THEY GOT INTO WHAT THEY CALLED PASSIVE  
6 RESISTANCE, WHERE THEY WOULD LIE DOWN IN FRONT OF TROOP  
7 TRAINS AND SO FORTH AND SO ON.

8 AND, THEN, YOU SAW THE VIOLENT OUTBREAK, THE  
9 ASSAULT ON THE PENTAGON IN OCTOBER OF 1967, WHICH WAS REALLY  
10 A FORM OF VIOLENT EFFORT TO BREAK INTO THE PENTAGON.

11 AND AT THE END OF THAT YEAR ONE OF REVOLUTIONARY  
12 LEADERS OF THE SDS, MARK RUDD, INDICATED THAT PASSIVE  
13 RESISTANCE AND LEGITIMATE PROTEST AND DISSENT WAS NOT ENOUGH  
14 AND THAT MORE VIOLENT ACTIVITY HAD TO BE BROUGHT ABOUT TO  
15 SMASH THE SYSTEM AND TO STOP THE WAR IN VIETNAM.

16 THIS WAS ACCOMPANIED BY REALLY THE OUTGROWTH OF  
17 WHAT WAS THEN KNOWN AS AN UNDERGROUND PRESS.

18 THE UNDERGROUND PRESS INVOLVED NUMEROUS NEWSPAPERS  
19 ON COLLEGE CAMPUSES, WHEN THEY BEGAN TO TELL STUDENTS HOW TO  
20 DO THEIR OWN THING TO SMASH THE SYSTEM AND TO BRING THE  
21 SYSTEM TO A HALT.

22 THEY WOULD ACTUALLY HAVE IN THESE PUBLICATIONS  
23 ILLUSTRATIONS --

24 MS. PILSBURY: I'M GOING TO OBJECT AT THIS POINT.

25 HE'S TESTIFYING TO EVENTS THAT OCCURRED AND TO HIS



1 OPINION AND BY HIS TESTIMONY AFTER THE DATES OF THE MEMO  
2 THAT THE QUESTION WAS ASKING HIM ABOUT.

3 THE COURT: THE OBJECTION IS OVERRULED.

4 BY MR. WHITE:

5 Q MR. BRENNAN, WHEN DID THE ASSAULT ON THE PENTAGON  
6 OCCUR THAT YOU TESTIFIED ABOUT?

7 A IN OCTOBER OF 1967.

8 Q AND DO YOU HAVE ANY PERSONAL KNOWLEDGE AS TO  
9 EVENTS ON THAT DAY?

10 A YES.

11 I WAS ON THE SCENE AT THAT TIME.

12 I WAS ON THE -- I THINK THEY CALL IT THE  
13 BALLUSTRADE -- JUST OUTSIDE THE DOORS OF THE PENTAGON -- AND  
14 I SAW THE DEMONSTRATORS FINALLY BREAK THROUGH THE LINES AND  
15 HUNDREDS OF THEM CHARGING TOWARD THE BUILDING IN A MAD  
16 STAMPEDE.

17 THEY DID SUCCEED IN BREAKING OPEN SOME OF THE DOORS,  
18 BUT WHEN THEY DID THEY FOUND THAT THE ARMY HAD ALREADY  
19 STATIONED TROOPS IN THERE, AND THE MILITARY TROOPS AND THE  
20 MARSHALS PROCEEDED TO PUSH THEM BACK.

21 IT TURNED INTO QUITE A FRACAS.

22 Q SIR, YOU MENTIONED THAT LATER THERE WAS A SPEECH  
23 OR STATEMENT MADE BY THE LEADER OF THE SDS.

24 WHEN WAS THAT STATEMENT MADE AND, TO THE BEST OF  
25 YOUR RECOLLECTION, WHO MADE IT?



1           A        THAT WAS MARK RUDD, WHO WAS ONE OF THE LEADERS  
2 OF THE SDS. AND I BELIEVE IT WAS MADE EARLY IN 1968, WHEN  
3 HE INDICATED THAT THE TIME HAD COME FOR BOMBINGS AND VIOLENCE.

4           Q        AND YOU TESTIFIED CONCERNING THINGS THAT WERE  
5 APPEARING IN CAMPUS NEWSPAPERS.

6                   WHEN WERE THOSE THINGS APPEARING?

7           A        ALONG ABOUT THE SAME TIME IN WHICH THEY WOULD  
8 ACTUALLY DEVELOP ILLUSTRATIONS AS TO HOW TO MAKE MOLOTOV  
9 COCKTAILS AND HOW TO MAKE THINGS SUCH AS FRAGMENTATION BOMBS  
10 AND THE LIKE, WHICH WERE TO BE USED IN CONNECTION WITH THE  
11 PROPOSED VIOLENCE.

12          Q        MR. BRENNAN, YOU'VE ALSO TESTIFIED EARLIER TODAY  
13 REGARDING THE MATTER OF POSSIBLE COMMUNIST INVOLVEMENT IN  
14 WHAT I GUESS WE COULD GENERALLY CALL THE PEACE MOVEMENT.

15                   WOULD YOU EXPLAIN WHAT THE SIGNIFICANCE OF THAT  
16 INVOLVEMENT WAS TO THE BUREAU?

17                   THE COURT: INVOLVEMENT OF WHOM?

18                   MR. WHITE: INVOLVEMENT OF THE COMMUNIST PARTY  
19 OR COMMUNIST MEMBERS IN THE PEACE MOVEMENT.

20                   THE WITNESS: YES.

21                   AS I INDICATED, THERE WAS A STRONG INFLUX OF  
22 COMMUNIST ELEMENTS IN THE ANTIWAR MOVEMENT.

23                   AND I THINK IT IS IMPORTANT TO BEAR IN MIND THAT  
24 THE WAR DID INVOLVE THE UNITED STATES WITH ENEMY FORCES  
25 WHICH WERE THEN BEING SUPPORTED BY THE SOVIET UNION, AND,





1 OF COURSE, THE INTERNATIONAL COMMUNIST LINE WAS TO TRY TO  
2 FORCE THE UNITED STATES OUT OF THAT WAR EFFORT.

3 AND THE INTERNATIONAL COMMUNIST LINE THAT'S  
4 GENERATED BY, PARTICULARLY, THE SOVIETS WOULD BE FOLLOWED BY  
5 COMMUNIST ELEMENTS IN THE UNITED STATES WHO SAW THE PEACE  
6 MOVEMENT AND THE ANTIWAR ACTIVITY AS A VEHICLE THROUGH  
7 WHICH THEY COULD SERVE THE PROPAGANDA INTERESTS OF THE  
8 SOVIET UNION AND BY WHICH THEY COULD ATTEMPT TO NULLIFY  
9 THE U. S. WAR EFFORT.

10 BY MR. WHITE:

11 Q NOW, SIR, YOU ALSO TESTIFIED THAT INDIVIDUALS  
12 CONNECTED WITH THE NATIONAL OR THE NEW MOBILIZATION STEERING  
13 COMMITTEE HAD TRAVELED TO EUROPE FOR COMMUNIST CONFERENCE.

14 COULD YOU EXPLAIN FOR US, PLEASE, WHAT THIS  
15 EVENT ENTAILED AND, IF YOU CAN RECALL, WHO WAS INVOLVED AND  
16 WHAT OCCURRED?

17 THE COURT: HAVE YOU SET A TIME?

18 BY MR. WHITE:

19 Q DO YOU RECALL THE TIME THAT THIS OCCURRED,  
20 MR. BRENNAN?

21 A I BELIEVE, IF I'M NOT MISTAKEN, I BELIEVE THAT IT  
22 INVOLVED THE FORTHCOMING ANTIWAR DEMONSTRATIONS FOR  
23 NOVEMBER OF 1969.

24 THE NEW MOBE COMMITTEE -- THERE WAS A GREAT DEAL  
25 OF ARGUMENT AS TO WHETHER OR NOT THEY SHOULD AGAIN FOCUS





1 ATTENTION THROUGH A DEMONSTRATION IN WASHINGTON, BECAUSE  
2 THERE WAS AN ELEMENT WHICH FELT THAT PERHAPS --

3 THE COURT: ALL I NEED TO TRY TO GET -- I JUST  
4 WANTED TO KNOW WHETHER YOUR TESTIMONY WAS THAT -- YOU HAVE  
5 NOW SAID BEFORE THE DEMONSTRATIONS OF NOVEMBER 1969.

6 IS THAT YOUR --

7 THE WITNESS: YES, YOUR HONOR.

8 THE COURT: GO AHEAD.

9 BY MR. WHITE:

10 Q MR. BRENNAN, WOULD YOU NOW PLEASE EXPLAIN OR  
11 DESCRIBE THE EVENT WHICH YOU PREVIOUSLY ALLUDED TO ABOUT  
12 INDIVIDUALS CONNECTED WITH THE STEERING COMMITTEE TRAVELING  
13 TO EUROPE?

14 A YES.

15 AT THAT TIME, AS I SAY, THERE WAS A SPLIT AS TO  
16 WHETHER THE DEMONSTRATIONS SHOULD BE IN WASHINGTON OR IN  
17 DIFFERENT CITIES AROUND THE UNITED STATES.

18 AND IT IS MY RECOLLECTION THAT ONE OF THE  
19 INDIVIDUALS WHO TRAVELED ABROAD, ALONG WITH ONE OR MORE  
20 OTHERS, I BELIEVE, WAS AN INDIVIDUAL BY THE NAME OF "YOUNG,"  
21 WHO WAS INVOLVED WITH THE DISCUSSIONS OUT THERE.

22 AT THE MOMENT HIS FIRST NAME ESCAPES ME.

23 I BELIEVE THAT HE TRAVELED ABROAD AND ATTENDED  
24 ONE OF THE COMMUNIST MEETINGS, MET WITH COMMUNIST GROUPS  
25 ABROAD, AND BROUGHT BACK A MESSAGE THAT IT WAS FELT ABROAD



1 THAT A CONCENTRATION OF THE DEMONSTRATION SHOULD FOCUS ON  
2 THE WASHINGTON SCENE.

3 AND I RECALL PARTICULARLY THAT IT WAS OF GREAT  
4 INTEREST TO ME THAT THE DEMONSTRATION DID TAKE PLACE AS  
5 ORGANIZED HERE IN WASHINGTON, AND ON THE SAME DAY THAT IT DID  
6 THERE WERE ALSO COMMUNIST DEMONSTRATIONS AT THE AMERICAN  
7 EMBASSIES IN PARIS, FRANCE, AND IN LONDON AND IN SEVERAL  
8 OTHER FOREIGN CAPITALS, ALL OF WHICH INDICATED TO ME THAT  
9 THERE WAS SOME DEGREE OF ORCHESTRATION ON THE INTERNATIONAL  
10 SCALE BY THE COMMUNISTS OF THESE DEMONSTRATIONS.

11 Q THANK YOU, SIR.

12 I BELIEVE YOU ALSO MENTIONED, OR REFERRED TO THE  
13 QUESTION OF TRAVELS ABROAD BY PERSONS CONNECTED WITH THE  
14 WOMEN'S STRIKE FOR PEACE.

15 DID YOU TESTIFY ABOUT THAT SUBJECT EARLIER TODAY?

16 A I DON'T BELIEVE SO.

17 I THINK THE QUESTION WAS RAISED ABOUT IT, BUT -- .

18 Q OKAY.

19 NOW, MR. BRENNAN, THERE WERE ALSO A NUMBER OF  
20 QUESTIONS REGARDING THE ISSUE OF COORDINATION OR NOT WITH  
21 OTHER LAW ENFORCEMENT OR INTELLIGENCE SERVICES.

22 I THINK THE QUESTION FIRST WAS, WAS THERE ANY  
23 COORDINATION WITH ANY POLICE DEPARTMENT WITH REGARD TO  
24 THE COUNTERINTELLIGENCE PROGRAM NEW LEFT.

25 A DEFINITELY NOT, NO.



1 Q WOULD THERE HAVE BEEN, OR WAS THERE, TO YOUR  
2 KNOWLEDGE, COORDINATION WITH POLICE DEPARTMENTS, INCLUDING  
3 SPECIFICALLY THE METROPOLITAN POLICE DEPARTMENT ON OTHER  
4 ISSUES?

5 A ON OTHER ISSUES, YES -- THERE IS DEFINITE  
6 COORDINATION BETWEEN THE FBI AND THE METROPOLITAN POLICE  
7 DEPARTMENT, ESPECIALLY IN CONNECTION WITH DEMONSTRATIONS.

8 Q WHAT WAS THE NATURE OF THAT COORDINATION?

9 A IT WAS OUR RESPONSIBILITY TO FURNISH THEM WITH  
10 ALL INFORMATION THAT WE DEVELOPED THROUGH OUR SOURCES AND  
11 INFORMANTS CONCERNING THE APPROPRIATE ACTIONS FOR THE  
12 DEMONSTRATIONS, WHETHER THEY BE PEACEFUL OR VIOLENT, SO THE  
13 METROPOLITAN POLICE, THE CAPITAL POLICE, THE PARK POLICE,  
14 WOULD KNOW WHAT TO EXPECT -- WHETHER OR NOT THEY WERE GOING  
15 TO HAVE TEN THOUSAND OR TWO HUNDRED THOUSAND AND WHERE  
16 THE DEMONSTRATION WAS LIKELY TO TAKE PLACE, WHETHER OR NOT  
17 THERE WAS INDICATION THERE WAS GOING TO BE VIOLENCE,  
18 ET CETERA.

19 Q DID THE METROPOLITAN POLICE DEPARTMENT  
20 SPECIFICALLY, TO YOUR KNOWLEDGE, HAVE AN OBLIGATION TO  
21 PROVIDE INFORMATION TO THE FEDERAL BUREAU OF INVESTIGATION  
22 REGARDING SUCH ISSUES?

23 A YES.

24 IN TURN, IF THEY DEVELOPED INFORMATION WHICH  
25 INDICATED THAT THERE WAS GOING TO BE SOME ATTEMPTS TO





1       DEFACE GOVERNMENTAL PROPERTY OR THINGS OF THAT NATURE, IT  
2       WAS THEIR RESPONSIBILITY IN TURN TO RECOGNIZE WHAT OUR  
3       RESPONSIBILITIES WERE AND FURNISH US THAT INFORMATION.

4           Q       WHAT WAS THE FBI'S PRINCIPAL FUNCTION, IF ANY,  
5       ON THE DAY OF A DEMONSTRATION OR WHILE A DEMONSTRATION WAS  
6       OCCURRING?

7           A       PRINCIPALLY, AT THAT POINT YOUR FUNCTION WAS AS  
8       AN OBSERVER.

9           Q       WHAT TO YOUR KNOWLEDGE WAS THE FUNCTION OF THE  
10      METROPOLITAN POLICE DEPARTMENT ON THE DAY OF SUCH A  
11      DEMONSTRATION?

12          A       UNFORTUNATELY, THE METROPOLITAN POLICE BORE THE  
13      BURDEN OF TRYING TO DEAL WITH ALL THE DEMONSTRATORS, TRYING  
14      TO DEAL WITH THE ACTUAL LINES THAT ERUPTED ON THE STREETS,  
15      OF TRYING TO COPE WITH THE PROBLEM.

16          Q       NOW, MR. BRENNAN, MS. PILSBURY ASKED YOU TO LOOK  
17      AT A NUMBER OF DOCUMENTS EARLIER TODAY AND I'D LIKE TO GO  
18      THROUGH AT LEAST SOME OF THOSE WITH YOU THIS AFTERNOON  
19      IF WE COULD.

20                   WOULD YOU LOOK, PLEASE, SIR, AT EXHIBIT 20-1?

21          A       YES. I HAVE IT.

22          Q       SIR, WOULD YOU JUST DESCRIBE BRIEFLY FOR THE JURY  
23      THE NATURE OF THIS DOCUMENT?

24          A       YES.

25                   IT'S AN AIR-TEL FROM THE WASHINGTON FIELD OFFICE



1 TO FBI HEADQUARTERS DATED 9/24/69.

2 IT DEALS WITH A COUNTERINTELLIGENCE PROGRAM  
3 BLACK NATIONALIST - HATE GROUPS. AND THIS IS THE ONE THAT  
4 DEALS WITH THE EFFORTS TO INVOLVE JULIUS HOBSON, MAKE HIM  
5 APPEAR AS AN UNCLE TOM, AND THE DISPUTE ABOUT THE  
6 REVEREND DOUGLAS MOORE, WHETHER OR NOT THEY WERE GOING TO  
7 MAKE DEMANDS ON WHITE GROUPS FOR THE BLACK UNITED FRONT,  
8 I BELIEVE.

9 Q DID YOUR SECTION AT THAT TIME HAVE RESPONSIBILITY  
10 FOR THE SUPERVISION OF A COUNTERINTELLIGENCE PROGRAM,  
11 BLACK NATIONALIST HATE GROUPS?

12 A NO.

13 TO THE BEST OF MY KNOWLEDGE, IT DID NOT.

14 Q IS THERE ANYTHING ON THE FACE OF THAT DOCUMENT  
15 THAT WOULD INDICATE TO YOU THAT THIS DOCUMENT WAS ROUTED  
16 THROUGH YOUR SECTION?

17 A NO, THERE IS NOT.

18 Q IS THERE ANY INDICATION ON THIS DOCUMENT TO  
19 INDICATE THAT YOU PERSONALLY SAW IT AT THAT TIME?

20 A NO.

21 Q TO THE BEST OF YOUR RECOLLECTION, SIR, WHEN DID  
22 YOU FIRST SEE THIS DOCUMENT?

23 A NOT UNTIL THIS BECAME AN ISSUE IN THIS SITUATION.

24 IN OTHER WORDS, I DON'T BELIEVE I EVER SAW THIS  
25 BEFORE. I FORGET WHETHER I WAS SHOWN THIS DURING THE



1 DEPOSITION. I HAVE NOT SEEN THIS DOCUMENT ANYTIME BEFORE  
2 UNTIL THIS YEAR.

3 Q SIR, WAS IT YOUR PRACTICE OR NOT TO PLACE YOUR  
4 INITIALS ON ANY DOCUMENTS YOU READ?

5 A OH, YES.

6 Q AND DO YOUR INITIALS APPEAR ANYWHERE ON THIS  
7 DOCUMENT?

8 A NO.

9 Q I'D LIKE YOU TO LOOK NOW, SIR, TO EXHIBIT  
10 NUMBER 21.

11 DO YOU HAVE THAT BEFORE YOU?

12 A YES, I DO.

13 Q NOW, WOULD YOU PLEASE READ TO THE JURY -- I THINK  
14 IT WOULD BE SUFFICIENT TO READ THE TO AND FROM LINES AND  
15 THE CAPTION OF THE DOCUMENT.

16 A IT'S AN AIR-TEL TO THE DIRECTOR FROM THE SPECIAL  
17 AGENT IN CHARGE OF THE WASHINGTON FIELD OFFICE. IT'S DATED  
18 10/1/69.

19 THE SAME CAPTION, "COINTELPRO - BLACK NATIONALIST  
20 HATE GROUPS - RACIAL MATTERS."

21 Q WOULD YOU LOOK, SIR, AT THE -- THIS DOCUMENT,  
22 THIS EXHIBIT, ACTUALLY CONTAINS A NUMBER OF PAGES -- WOULD  
23 YOU LOOK AT PAGE 21-5, PLEASE, SIR?

24 A TWENTY-ONE DASH WHAT?

25 Q FIVE.



1 A YES.

2 Q DO YOU HAVE THAT BEFORE YOU?

3 A YES, I HAVE THAT.

4 Q THAT 21-5, IS THAT THE COPY OF THE MEMORANDUM  
5 WHICH WOULD HAVE BEEN SENT TO FBI HEADQUARTERS?

6 A 21-5 IS AN AIR-TEL THAT WAS SENT TO THE  
7 HEADQUARTERS FROM THE WASHINGTON FIELD OFFICE.

8 MS. PILSBURY: YOUR HONOR, TO HELP SPEED THINGS  
9 UP, WE'LL STIPULATE THAT HIS INITIALS DON'T APPEAR TO BE  
10 ON THIS DOCUMENT.

11 THE COURT: DO YOU HAVE ANY MORE LIKE THAT, THAT  
12 YOU CAN STIPULATE ABOUT?

13 MS. PILSBURY: I'LL STIPULATE THAT HIS INITIALS  
14 AREN'T ON ANY OF THE DOCUMENTS THAT -- I'M NOT SURE I HAVE  
15 A LIST HERE. BUT I WOULD BE HAPPY TO STIPULATE THAT.

16 THE COURT: LET'S SEE IF WE CAN'T DO THAT.

17 MR. WHITE: YOUR HONOR, THE REASON WE'RE GOING  
18 THROUGH THIS IS BECAUSE OF THE DISCUSSIONS EARLIER ON THESE  
19 DOCUMENTS THAT PERHAPS THESE DOCUMENTS WENT THROUGH HIS  
20 DESK, EVEN THOUGH THEY APPLY TO ANOTHER SECTION'S  
21 RESPONSIBILITY.

22 I'LL TRY TO DO THIS AS QUICKLY AS POSSIBLE.

23 THE COURT: VERY WELL.

24 IF YOU FEEL YOU WANT TO BE MORE EXPOSITORY ABOUT  
25 IT, GO RIGHT AHEAD.





1 MR. WHITE: I'LL TRY NOT TO WASTE OUR TIME,  
2 YOUR HONOR.

3 BY MR. WHITE:

4 Q MR. BRENNAN, IS THERE ANY INDICATION ON THIS  
5 DOCUMENT THAT YOU EVER SAW IT OR READ IT AT THE TIME THAT  
6 IT WAS TRANSMITTED AND CIRCULATED?

7 A THIS WAS 21-5?

8 Q THAT'S CORRECT.

9 A NO, THERE IS NOT.

10 Q TO THE BEST OF YOUR RECOLLECTION WHEN WAS THE  
11 FIRST TIME THAT YOU SAW THIS DOCUMENT?

12 A AGAIN, POSSIBLY AT THE DEPOSITION EARLIER THIS  
13 YEAR, OR ELSE, HERE.

14 Q MR. BRENNAN, IF YOU WOULD NOW LOOK AT  
15 EXHIBIT NUMBER 27.

16 DO YOU HAVE THAT, SIR?

17 A I CAN'T FIND IT.

18 (PAUSE)

19 I HAVE IT.

20 Q WOULD YOU STATE BRIEFLY FOR THE JURY, PLEASE, THE  
21 NATURE OF THIS DOCUMENT, INCLUDING THE DATE, SIR?

22 A A LETTER FROM THE WASHINGTON FIELD OFFICE TO THE  
23 FBI HEADQUARTERS, DATED 10/9/69, AND IT'S CAPTION IS  
24 "COINTEL PROGRAM NEW LEFT."

25 Q WHAT DOES THIS DOCUMENT RELATE TO, SIR?



1           A       IT DEALS WITH THE PREPARATION OF THAT PUBLICATION  
2 CALLED THE "RATIONAL OBSERVER" TO BE DISTRIBUTED ON THE  
3 CAMPUS OF AMERICAN UNIVERSITY.

4           Q       DID THIS MEMORANDUM, FROM YOUR EXAMINATION -- WAS  
5 THIS MEMORANDUM ROUTED TO YOUR SECTION AT THAT TIME, THE  
6 INTERNAL SECURITY SECTION?

7           A       YES.

8           Q       DO YOUR INITIALS APPEAR ANYWHERE ON THE FACE OF  
9 THIS DOCUMENT?

10          A       NO.

11          Q       DO THE INITIALS OF ANYONE SIGNING ON YOUR BEHALF  
12 APPEAR ANYWHERE ON THE DOCUMENT?

13          A       YES.

14          Q       AND WHERE DOES THAT APPEAR, SIR?

15          A       DOWN AT THE BOTTOM, WHERE IT'S STAMPED, "INTERNAL  
16 SECURITY."

17          Q       AND WOULD YOU EXPLAIN THE SIGNIFICANCE OF THAT --  
18 WHAT APPEARS HERE?

19          A       YES.

20                 FOR FILING PURPOSES, WHEN MAIL IS RECEIVED WHICH  
21 REFERS TO A CAPTIONED MATTER, WHICH IS BEING HANDLED IN A  
22 PARTICULAR SECTION, WHEN EVERYTHING ELSE HAS BEEN DONE WITH  
23 THAT MAIL, IT IS STAMPED WITH THE SECTION DESIGNATION,  
24 "INTERNAL SECURITY," AND SOMEBODY HAS TO INITIAL THAT  
25 ULTIMATELY FOR IT TO GO INTO THE FILE.



1           IN OTHER WORDS, IT SHOWS THAT IT WAS RECEIVED  
2           AND HANDLED IN THE SECTION, AND IS NOW READY TO GO TO FILING.

3           Q       SIR, IF YOU WOULD LOOK AT THE UPPER RIGHT-HAND  
4           CORNER, JUST BELOW THE DATE OF THIS DOCUMENT?

5           A       YES.

6           Q       DO YOU SEE INITIALS WRITTEN THERE?

7           A       YES.

8           BUT IT'S VERY DIFFICULT TO MAKE OUT.

9           Q       LET ME SHOW YOU ANOTHER COPY. PERHAPS THIS IS --  
10          LOOKING STILL AT EXHIBIT NUMBER 27, DO YOU SEE  
11          INITIALS WRITTEN BELOW THE DATE OF THE DOCUMENT?

12          A       YES.

13          IT'S A "B/CWT."

14          Q       AND WHAT IS THE SIGNIFICANCE OF THAT, SIR?

15          A       THE "B" IS TO INDICATE MY NAME, "BRENNAN."  
16          THE SLANT MEANS THAT -- WITH RIGHT UNDERNEATH "CWT" --  
17          MEANS THAT THE MAN WHO WAS MY ASSISTANT, MY NUMBER ONE MAN,  
18          CONRAD W. THOMPSON, INITIALED THE DOCUMENT FOR ME.

19          Q       IS THERE ANY INDICATION ON THE DOCUMENT THAT YOU  
20          PERSONALLY SAW IT?

21          A       NO, THERE IS NOT.

22          Q       IF YOU NOW LOOK AT EXHIBIT NUMBER 28.

23          A       YES.

24          Q       DOES THIS DOCUMENT RELATE TO THE SUBJECT MATTER  
25          OF EXHIBIT NUMBER 27?





1 A YES, IT DOES.

2 Q IS THERE ANYTHING ON THE FACE OF THIS DOCUMENT  
3 WHICH WOULD INDICATE THAT YOU PERSONALLY SAW IT?

4 A NO, IT DOES NOT.

5 Q DO YOU HAVE ANY RECOLLECTION AS TO WHETHER YOU  
6 SAW IT?

7 A NO, I DO NOT.

8 Q WHAT IS YOUR BEST RECOLLECTION AS TO WHEN YOU  
9 FIRST SAW THIS DOCUMENT?

10 A AGAIN, THIS YEAR.

11 I FORGET THE NATURE OF DOCUMENTS THAT WERE SHOWN  
12 ME AT THE DEPOSITION AND THE NATURE OF DOCUMENTS HERE, BUT  
13 I HAVE NOT SEEN THIS DOCUMENT BEFORE THIS YEAR.

14 Q AND WHAT IS THE DATE OF THIS DOCUMENT, SIR?

15 A THIS IS OCTOBER 24TH, 1969.

16 Q NOW, SIR, I'D LIKE YOU TO LOOK AT EXHIBIT 29.

17 AGAIN, DOES EXHIBIT NUMBER 29 RELATE TO THE  
18 SUBJECT MATTER OF EXHIBITS 27 AND 28?

19 A YES, IT DOES.

20 Q AND WHAT IS THE DATE OF THAT DOCUMENT?

21 A NOVEMBER 3, 1969.

22 Q WHAT IS THE FUNCTION OF EXHIBIT 29?

23 A IT GRANTS AUTHORITY TO THE WASHINGTON FIELD OFFICE  
24 TO DISTRIBUTE THAT PUBLICATION THEY CALLED "THE RATIONAL  
25 OBSERVER" ON THE CAMPUS OF AMERICAN UNIVERSITY.



1 Q IF YOU LOOK AT THE BOTTOM OF THE DOCUMENT, SIR,  
2 I DIRECT YOUR ATTENTION TO THE HANDWRITTEN INITIALS.

3 WOULD YOU EXPLAIN TO THE JURY, PLEASE, THE  
4 SIGNIFICANCE OF THE INITIALS AND ALSO STATE THE IDENTITY  
5 OF THE PERSON WHO INITIALED THIS DOCUMENT?

6 A OKAY.

7 IT LOOKS LIKE "BW," WHICH WOULD BE BERNIE WELLS,  
8 WHO WOULD HAVE INITIALED IT AS A UNIT CHIEF, I BELIEVE, AND  
9 MY INITIAL, "B," WITH A SLANT, WITH A "CWT" UNDERNEATH IT.

10 IT MEANS IT WAS INITIALED BY MR. CONRAD W. THOMPSON  
11 FOR ME.

12 I, APPARENTLY, WAS THEN SITTING ON THE BRANCH  
13 CHIEF'S DESK. THE "JAS" LOOKS LIKE MY INITIAL, IN WHICH I  
14 INITIALED FOR HIM AS BRANCH CHIEF, TO FORWARD IT INTO  
15 THE ASSISTANT DIRECTOR.

16 IT BEARS THE INITIALS OF "WCS," WHICH WAS THE  
17 INITIALS OF THE ASSISTANT DIRECTOR, WILLIAM C. SULLIVAN.  
18 AND IT LOOKS LIKE IT WAS INITIALED TO GO OUT OF THE MAILROOM  
19 BY MR. DE LOCHE, WHO WAS THEN THE ASSISTANT TO THE DIRECTOR.

20 Q DO MR. DE LOCHE'S INITIALS ON THIS DOCUMENT  
21 INDICATE APPROVAL BY HIM?

22 A YES, IT APPARENTLY DOES.

23 Q DOES YOUR NAME APPEAR ANYWHERE ELSE ON THE FACE  
24 OF THIS DOCUMENT?

25 A YES.



1 UP AT THE TOP, NEAR THE RIGHT-HAND CORNER,  
2 UNDERNEATH THE DATE.

3 Q WHAT IS THE SIGNIFICANCE OF YOUR NAME BEING  
4 PLACED AT THAT LOCATION?

5 A THAT, AGAIN, IS THE PROCESS OF GETTING THIS  
6 COMMUNICATION BACK DOWN TO THE INTERNAL SECURITY SECTION.

7 Q AND WOULD YOU STATE FOR THE JURY, PLEASE, WHETHER  
8 THE NAME IS HANDWRITTEN OR TYPEWRITTEN?

9 A IT'S HANDWRITTEN.

10 Q AND WHO WOULD HAVE WRITTEN IT AT THAT LOCATION?

11 A I BELIEVE THAT THAT WOULD BE PUT ON IN THE OFFICE  
12 OF THE ASSISTANT DIRECTOR TO GET IT BACK DOWN TO THE INTERNAL  
13 SECURITY SECTION.

14 Q IS THERE ANY INDICATION AT THAT POINT IN THE  
15 DOCUMENT AS TO WHETHER YOU PERSONALLY SAW THE DOCUMENT?

16 A NO.

17 Q DOES IT INDICATE WHO MIGHT HAVE PERSONALLY SEEN  
18 THE DOCUMENT --

19 A MY ASSISTANT, MR. CONRAD W. THOMPSON.

20 Q HIS INITIALS APPEAR AT THAT LOCATION.

21 A YES.

22 Q NOW, SIR, IF YOU LOOK AT EXHIBIT NUMBER 26.

23 DO YOU HAVE THAT BEFORE YOU NOW, SIR?

24 A YES.

25 Q WOULD YOU DESCRIBE FOR THE JURY BRIEFLY WHAT THIS



1 DOCUMENT IS?

2 A EXHIBIT 26 IS A MEMORANDUM FROM ME, C. D. BRENNAN,  
3 TO MR. SULLIVEN, DATED SEPTEMBER 5, 1969, CAPTIONED,  
4 "COUNTERINTELLIGENCE PROGRAM NEW LEFT, RECOMMENDED APPROVAL  
5 FOR DISTRIBUTION OF A BLIND MEMORANDUM REVEALING EVIDENCE  
6 OF GROWING DISSATISFACTION OF MILITANT BLACKS WITH THE NEW  
7 LEFT."

8 Q ARE THERE INITIALS APPEARING NEXT TO YOUR  
9 TYPEWRITTEN NAME?

10 A YES.

11 Q WOULD YOU JUST DESCRIBE FOR THE JURY WHAT THE  
12 INITIALS ARE AND WHAT THE SIGNIFICANCE OF THAT IS?

13 A IT'S A "B" WITH A SLANT, AND I CAN'T MAKE OUT --  
14 THE COURT: I GOT OFF THE TRACK.

15 I SEE THE NUMBER. I JUST MISSED --

16 THE WITNESS: TWENTY-SIX.

17 MR. WHITE: I'M NOT SURE WE GOT THE ANSWER TO THAT  
18 QUESTION.

19 IT'S BEEN INITIALED FOR ME WITH A "B" WITH A SLANT  
20 -- AND ON MY COPY I CAN'T MAKE OUT WHOSE INITIALS ARE  
21 UNDERNEATH MINE.

22 BY MR. WHITE:

23 Q BUT IT WAS SOMEBODY ACTING ON YOUR BEHALF?

24 A YES.

25 Q NOW, LOOKING AGAIN AT THE BOTTOM OF THE DOCUMENT,





1 WOULD YOU DESCRIBE FOR THE JURY -- EXCUSE ME.

2 DIRECTING YOUR ATTENTION TO THE BOTTOM OF THE  
3 FIRST PAGE OF THIS DOCUMENT, TO THE HANDWRITTEN INITIALS  
4 THERE, WOULD YOU DESCRIBE FOR THE JURY THE SIGNIFICANCE  
5 OF THOSE INITIALS AND ALSO IDENTIFY, IF YOU CAN, THE PERSONS  
6 WHO INITIALED THE DOCUMENT?

7 A I'LL DO THE BEST I CAN.

8 YOURS ISN'T MUCH BETTER THAN MINE.

9 Q WELL, IF YOU WOULD, SIR. LET ME MAKE THIS SIMPLER.  
10 WOULD YOU PLEASE IDENTIFY THE HIGHEST OFFICIAL  
11 WHOSE INITIALS INDICATE APPROVAL OF THIS DOCUMENT?

12 A MR. HOOVER.

13 MR. HOOVER MARKED, "OKAY. H." HIS ASSOCIATE  
14 DIRECTOR, MR. TOLSON, MARKED IT WITH A "T." THE ASSISTANT  
15 TO THE DIRECTOR, MR. DE LOCHE, HIS INITIAL IS THERE, WITH A  
16 "D."

17 THE ASSISTANT DIRECTOR, MR. W. C. SULLIVAN, HIS  
18 INITIALS ARE "WCS." I BELIEVE MR. DE LOCHE'S ASSISTANT,  
19 STERLING DONOHUE, HIS INITIALS --

20 Q THAT WILL BE SUFFICIENT.

21 DIRECTING YOUR ATTENTION TO THE LEFT-HAND COLUMN  
22 OF THE FIRST PAGE, THERE'S SOME HANDWRITTEN MATERIAL IN THE  
23 MARGIN.

24 CAN YOU READ THAT, SIR?

25 A YES.



1 Q AND WHAT DOES IT SAY?

2 A IT SAYS, "HANDLED." THERE'S A DATE ON IT. IT'S  
3 A LITTLE DIFFICULT. IT LOOKS LIKE IT'S 9/8/69.

4 Q WHAT IS THE SIGNIFICANCE, IF YOU KNOW, OF THE WORK  
5 "HANDLED"?

6 A THIS WAS -- THERE WAS A MASS MEDIA PROGRAM, WHICH  
7 WAS CONDUCTED BY MR. DE LOCHE, AND MR. DE LOCHE WAS THE  
8 ASSISTANT TO THE DIRECTOR.

9 HE HANDLED CONGRESSIONAL LIAISON, AND HE ALSO  
10 HANDLED RELATIONS WITH THE NEWS MEDIA.

11 AND THE MASS MEDIA PROGRAM INVOLVED MR. DE LOCHE  
12 WITH VARIOUS DIVISIONS BEING INSTRUCTED TO BE ALERT FOR  
13 MATERIAL WHICH MR. DE LOCHE COULD FEED TO HIS CONTACTS  
14 IN THE NEWS MEDIA.

15 THIS PARTICULAR ITEM, THIS MEMORANDUM, WAS  
16 PREPARED IN CONJUNCTION WITH THAT, AND IT WAS THEN FORWARDED  
17 TO MR. DE LOCHE FOR HIS SO-CALLED "USE IN MASS MEDIA PROGRAM."

18 NOW, THIS WRITTEN OVER HERE, HANDLED, 9/8/69, IS  
19 AFTER MR. HOOVER HAD SAID, "OKAY, FINE, MR. DE LOCHE, YOU GO  
20 AHEAD AND HANDLE THIS."

21 THEN MR. DE LOCHE WRITES OVER ON THE SIDE,  
22 "HANDLED," AND PUTS THE DATE. BUT --

23 Q DO YOU KNOW WHETHER THE WORD HANDLED MEANS THAT  
24 THE DOCUMENT WAS ACTUALLY GIVEN TO SOMEONE IN THE PRESS?

25 A NO, I DON'T.



1 MR. DE LOCHE WAS NOT ACCOUNTABLE, OTHER THAN TO  
2 MR. HOOVER, SO WHEN MR. DE LOCHE WOULD WRITE "HANDLED,"  
3 YOU DIDN'T KNOW WHETHER HE HANDLED IT BY GIVING IT TO ONE  
4 OF HIS CONTACTS IN THE PRESS OR WHETHER HE HANDLED IT BY  
5 THROWING IT IN THE WASTEBASKET.

6 Q TO YOUR KNOWLEDGE AND RECOLLECTION WAS THIS  
7 DOCUMENT PUBLISHED IN ANY NEWSPAPER OR OTHER PUBLICATION?

8 A NOT THAT I EVER RECALL.

9 Q SIR, YOUR NAME ALSO APPEARS IN THE UPPER RIGHT-HAND  
10 CORNER.

11 A YES.

12 Q AGAIN -- AND THERE ARE ALSO INITIALS THAT APPEAR  
13 THERE -- DID YOU PERSONALLY PLACE INITIALS ACROSS YOUR NAME  
14 ON THIS DOCUMENT?

15 A NO.

16 Q IS THERE ANYTHING ON THE FACE OF THE DOCUMENT  
17 WHICH INDICATES THAT YOU PERSONALLY SAW THIS DOCUMENT AT THE  
18 TIME IT WAS PREPARED AND TRANSMITTED?

19 A NO, THERE IS NOT.

20 Q TO THE BEST OF YOUR RECOLLECTION WHEN DID YOU  
21 FIRST SEE THIS DOCUMENT?

22 A THIS YEAR, AGAIN, EITHER IN CONNECTION WITH  
23 A DEPOSITION OR HERE. I FORGET WHICH.

24 Q NOW, LOOKING AT EXHIBIT NUMBER 15.

25 A YES, SIR.





1 Q WOULD YOU JUST STATE BRIEFLY FOR THE JURY THE  
2 NATURE OF THIS DOCUMENT, INCLUDING THE DATE?

3 A YES.

4 AN AIR-TEL FROM THE WASHINGTON FIELD OFFICE TO  
5 FBI HEADQUARTERS, DATED JANUARY 21ST, 1969, CAPTIONED,  
6 "COINTEL PROGRAM NEW LEFT," AND IT CONCERNS THE DISRUPTION  
7 BY THE WASHINGTON FIELD OFFICE OF THE WALKIE-TALKIES USED  
8 BY SOME OF THE DEMONSTRATORS IN CONNECTION WITH THE  
9 DEMONSTRATION AT THE PRESIDENTIAL INAUGURATION IN JANUARY  
10 OF 1969.

11 Q MR. BRENNAN, IS THERE ANYTHING ON THE FACE OF  
12 THIS DOCUMENT WHICH INDICATES THAT YOU PERSONALLY SAW IT?

13 A NO, THERE IS NOT.

14 Q TO THE BEST OF YOUR RECOLLECTION, DID YOU SEE  
15 THIS DOCUMENT?

16 A I DON'T RECALL SPECIFICALLY.

17 I MAY HAVE. I'M NOT SURE.

18 Q DO YOU HAVE ANY RECOLLECTION AS TO WHETHER YOU  
19 KNEW ABOUT THIS ACTIVITY AT THE TIME IT OCCURRED?

20 A YES.

21 SOMEBODY EITHER TOLD ME OR I SAW SOMETHING.

22 I DID KNOW THAT THERE HAD BEEN SOME DISRUPTION OF  
23 THE DEMONSTRATORS' WALKIE-TALKIE FREQUENCY.

24 NOW, HOW I HEARD IT OR HOW I SAW IT, AT THIS POINT  
25 I CAN'T TELL YOU. I DON'T REMEMBER NOW. BUT I DO REMEMBER



1 HEARING OF THE INCIDENT.

2 Q IS IT YOUR RECOLLECTION THAT YOU HEARD ABOUT THIS  
3 MATTER ONLY AFTER THE -- WELL --

4 A YES. AFTER IT HAPPENED.

5 Q WERE YOU IN A POSITION, UPON HEARING ABOUT IT,  
6 TO EITHER APPROVE OR DISAPPROVE OF THE ACTIVITY?

7 A IT WAS A FAIT ACCOMPLI. IT HAD ALREADY  
8 TAKEN PLACE.

9 Q TO THE BEST OF YOUR RECOLLECTION WAS THERE ANY  
10 INFORMATION PROVIDED TO HEADQUARTERS PRIOR TO THE  
11 INAUGURATION REGARDING THIS KIND OF ACTIVITY?

12 A NOT TO MY KNOWLEDGE, NO.

13 Q1 SIR, AGAIN, LOOK AT EXHIBITS 69 AND 70.

14 A YES.

15 Q DO YOU HAVE THOSE BEFORE YOU?

16 A YES, I HAVE THEM.

17 Q WOULD YOU JUST DESCRIBE BRIEFLY TO THE JURY THE  
18 NATURE OF THESE DOCUMENTS, INCLUDING THE DATES?

19 A OKAY.

20 EXHIBIT 69 IS AN AIR-TEL FROM THE WASHINGTON FIELD  
21 OFFICE TO FBI HEADQUARTERS, JULY 17, '70, AND IT'S DEALING  
22 WITH THE COINTEL PROGRAM, NEW LEFT PROGRAM.

23 AND IN IT THE WASHINGTON FIELD OFFICE INDICATED  
24 THAT THEY HAD BEEN SUCCESSFUL, THROUGH THEIR INTERVIEWS WITH  
25 SOME OF THE NEW LEFT PEOPLE, IN PRODUCING SOME ANXIETY ON



1 THE PART OF THOSE PEOPLE.

2 AND THEY SAID THE BUREAU MIGHT WANT TO RECOMMEND  
3 THAT TYPE OF ACTIVITY TO OTHER FIELD OFFICES.

4 EXHIBIT 70 IS A MEMORANDUM FROM THE WASHINGTON  
5 FIELD OFFICE TO THE DIRECTOR, DATED 12/15/70.

6 IT DEALS IN PART WITH THE SAME ISSUE.

7 Q MR. BRENNAN, LOOKING AT EXHIBIT NUMBER 69, WHAT  
8 WAS YOUR POSITION ON THAT DATE, ON JULY 17, 1970?

9 A I WAS ACTING DIRECTOR, ACTING ASSISTANT DIRECTOR,  
10 AT THE TIME.

11 Q IS THERE ANYTHING ON THE FACE OF THIS DOCUMENT  
12 WHICH WOULD INDICATE THAT YOU PERSONALLY SAW IT AT THE TIME  
13 IT ARRIVED OR WAS CIRCULATED IN THE FBI HEADQUARTERS?

14 A NO, THERE IS NOT.

15 Q DOES YOUR NAME APPEAR ANYWHERE ON THIS DOCUMENT?

16 A NO, IT DOES NOT.

17 Q SIMILARLY, WITH REGARD TO EXHIBIT NUMBER 70,  
18 WHAT WAS YOUR POSITION IN DECEMBER OF 1970?

19 A DECEMBER OF 1970 -- I WAS ASSISTANT DIRECTOR OF  
20 THE DOMESTIC INTELLIGENCE DIVISION.

21 Q DOES YOUR NAME APPEAR ANYWHERE ON THIS DOCUMENT?

22 A NO, SIR.

23 Q IS THERE ANY INDICATION ON THE DOCUMENT THAT YOU  
24 PERSONALLY SAW IT AT THE TIME IT ARRIVED IN OR WAS CIRCULATED  
25 IN FBI HEADQUARTERS?



1 A NO, SIR.

2 Q WERE YOU AWARE OF OR FAMILIAR WITH THE SUBJECT  
3 MATTER OF THESE DOCUMENTS AT THAT TIME, DURING JULY TO  
4 DECEMBER OF 1970; DEALING WITH INTENSIVE INTERVIEWS?

5 A I DON'T RECALL. NO.

6 Q NOW, SIR, LOOKING AT EXHIBIT 105-1.

7 A I HAVE 105.

8 Q LET ME JUST CONFIRM THAT WE'RE TALKING ABOUT THE  
9 SAME DOCUMENT.

10 SIR, LOOKING AT THE EXHIBIT WHICH HAS BEEN MARKED  
11 AS PLAINTIFFS' EXHIBIT 105-1, FIRST PAGE OF THE DOCUMENT,  
12 WHICH YOU'RE HOLDING, WOULD YOU DESCRIBE FOR THE JURY, PLEASE,  
13 THE NATURE OF THIS DOCUMENT, INCLUDING ITS DATE?

14 A AN AIR-TEL FROM OUR CINCINNATI OFFICE TO THE FBI  
15 HEADQUARTERS, DATED DECEMBER 20, 1968, CAPTIONED, "COINTEL  
16 PROGRAM NEW LEFT," AND IT INVOLVED A REQUEST FOR BUREAU  
17 AUTHORITY FOR THE CINCINNATI OFFICE TO UNDERTAKE A  
18 COUNTERINTELLIGENCE ACTION AGAINST STUDENTS AT OHIO STATE  
19 UNIVERSITY WHO WERE PLANNING TO TRAVEL TO WASHINGTON, D. C.  
20 TO DEMONSTRATE IN CONNECTION WITH THE PRESIDENTIAL  
21 INAUGURATION ON JANUARY 20TH.

22 Q WAS THIS DOCUMENT ROUTED TO THE INTERNAL SECURITY  
23 SECTION AT THE TIME YOU WERE ITS CHIEF?

24 A YES, IT WAS.

25 Q AND IS THERE ANY INDICATION ON THIS DOCUMENT, THAT





1 IS, WHAT WOULD BE THE 105-1, THE FIRST PAGE OF WHAT YOU'RE  
2 HOLDING, AS WELL AS THIS PAGE TWO OF WHAT YOU HAVE -- IS  
3 THERE ANY INDICATION -- NO, SIR.

4 JUST THE FIRST TWO PAGES.

5 IS THERE ANYTHING ON THOSE PAGES WHICH WOULD  
6 INDICATE THAT YOU PERSONALLY SAW THIS DOCUMENT AT THE TIME  
7 IT ARRIVED IN AND WAS CIRCULATED AT FBI HEADQUARTERS?

8 A NO, THERE IS NOT.

9 Q DOES IT INDICATE WHETHER ANYONE ACTING IN YOUR  
10 BEHALF SAW THIS DOCUMENT?

11 A YES.

12 MY ASSISTANT, OR, AS I SAY, NUMBER ONE MAN, AS I  
13 CALLED HIM, CONRAD W. THOMPSON, INITIALED FOR ME UP IN THE  
14 RIGHT-HAND CORNER WITH MY INITIAL, "B" WITH A SLANT, AND HIS  
15 "CWT" UNDERNEATH IT.

16 Q WERE YOU AWARE AT THIS TIME, TO THE BEST OF YOUR  
17 RECOLLECTION, OF THIS PROPOSAL REGARDING COUNTERINTELLIGENCE  
18 OPERATIONS BY THE CINCINNATI OFFICE?

19 A NO, I DON'T RECALL.

20 Q NOW, MR. BRENNAN, NOW TURNING TO THE LAST PAGE  
21 OF THE DOCUMENT YOU'RE HOLDING, WHICH I BELIEVE PLAINTIFFS  
22 HAVE IDENTIFIED AS 105-2, WOULD YOU DESCRIBE BRIEFLY FOR  
23 THE JURY, PLEASE, THE NATURE OF THAT DOCUMENT?

24 A YES.

25 IT'S TO THE CINCINNATI FBI OFFICE, FROM THE



1 DIRECTOR, FBI, DATED 12/27/68, CAPTIONED, "COUNTER-  
2 INTELLIGENCE PROGRAM NEW LEFT," BY WHICH THEY AUTHORIZE THE  
3 CINCINNATI OFFICE TO PROCEED WITH THE ACTION THAT THEY HAD  
4 RECOMMENDED RELATIVE TO THE STUDENTS AT OHIO STATE UNIVERSITY.

5 Q DOES YOUR NAME APPEAR ON THIS DOCUMENT, SIR?

6 A YES, IT DOES.

7 Q AND IS THE NAME IN HANDWRITING OR TYPING?

8 A IT'S HANDWRITTEN.

9 Q AND TO THE BEST OF YOUR KNOWLEDGE, LOOKING AT THE  
10 DOCUMENT, WHO WOULD HAVE WRITTEN YOUR NAME AT THAT LOCATION  
11 ON THE DOCUMENT?

12 A IT WAS PROBABLY WRITTEN IN THE OFFICE OF THE  
13 ASSISTANT DIRECTOR.

14 Q AND YOUR POSITION AT THIS TIME WAS SECTION CHIEF?

15 A NO. WAIT A MINUTE. YES.

16 Q WOULD THE NAME HAVE BEEN WRITTEN THERE BEFORE OR  
17 AFTER THIS DOCUMENT HAD BEEN APPROVED FOR TRANSMISSION TO  
18 THE CINCINNATI OFFICE?

19 A THAT WOULD BE WRITTEN AFTERWARDS, TO INSURE THAT  
20 IT GOT BACK TO THE SECTION.

21 Q IS THERE ANY INDICATION ON THE FACE OF THIS  
22 DOCUMENT THAT YOU SAW IT AT THE TIME IT WAS PREPARED,  
23 CIRCULATED AND TRANSMITTED BACK TO YOUR SECTION?

24 A NO, THERE IS NOT.

25 Q NOW, SIR, IF YOU WILL LOOK AT EXHIBIT NUMBER 31-A.



1 A YES.

2 Q WOULD YOU DESCRIBE THIS DOCUMENT FOR THE JURY,  
3 PLEASE?

4 A A LETTER FROM THE NEW YORK OFFICE TO THE DIRECTOR  
5 OF THE FBI. IT'S DATED FEBRUARY 13, 1970, CONCERNING,  
6 "SOCIALIST WORKERS PARTY, DISRUPTION PROGRAM," AND IT  
7 CONCERNS A LEAFLET WHICH THE NEW YORK OFFICE DISSEMINATED  
8 TO CAUSE DISRUPTION IN THE NEW MOBILIZATION COMMITTEE.

9 Q SIR, IF YOU WOULD LOOK AT THE LOWER LEFT-HAND  
10 CORNER OF THE DOCUMENT, WHERE THE THREE INITIALS APPEAR,  
11 CAPITAL-LETTERED INITIALS; DO YOU SEE THAT?

12 A YES.

13 Q WHAT IS THE SIGNIFICANCE OF THE TYPEWRITTEN  
14 INITIALS AT THAT LOCATION?

15 A THAT WOULD INDICATE THE INDIVIDUAL WHO DICTATED  
16 THE DOCUMENT.

17 Q AND WHAT ARE THOSE INITIALS, SIR?

18 A "WMS."

19 Q DO YOU HAVE ANY PERSONAL KNOWLEDGE AS TO THE NAME  
20 OF THE PERSON WHOSE INITIALS ARE "WMS"?

21 A I HAVEN'T THE SLIGHTEST IDEA.

22 Q WHAT OFFICE WOULD THIS PERSON BE CONNECTED WITH?

23 A THE NEW YORK OFFICE OF THE FBI.

24 Q WHEN THIS DOCUMENT ARRIVED IN FBI HEADQUARTERS  
25 WAS IT CIRCULATED TO OR ROUTED TO -- STRIKE THAT.





1 I HAVE ANOTHER QUESTION. I'M SORRY.

2 WHAT WAS YOUR POSITION ON THE DATE OF THIS  
3 DOCUMENT, FEBRUARY 13, 1970?

4 A FEBRUARY 13, 1970, I WAS STILL SECTION CHIEF OF  
5 THE INTERNAL SECURITY SECTION.

6 Q WAS THIS DOCUMENT, TO THE BEST OF YOUR KNOWLEDGE,  
7 FROM YOUR EXAMINATION OF IT, ROUTED TO YOUR SECTION?

8 A YES, IT WAS.

9 Q IS THERE ANY INDICATION ON THAT DOCUMENT THAT YOU  
10 SAW IT, PERSONALLY?

11 A NO, SIR.

12 Q THERE IS SOME HANDWRITING BELOW THE DATE ON THE  
13 DOCUMENT, THE UPPER RIGHT-HAND CORNER?

14 A YES.

15 Q CAN YOU DECIPHER THAT HANDWRITING, SIR?

16 A YES.

17 IT'S AN AGENT SUPERVISOR. NAME OF THE AGENT  
18 SUPERVISOR, CZARNECKI, C-Z-A-R-N-E-C-K-I, WHO WORKED IN THE  
19 INTERNAL SECURITY SECTION.

20 Q AND WHAT'S THE SIGNIFICANCE OF HIS NAME BEING IN  
21 THAT LOCATION?

22 A HE PROBABLY HAD RESPONSIBILITY FOR THAT PHASE OF  
23 THE PROGRAM AND IT WAS ROUTED TO HIM TO INITIAL TO INDICATE  
24 THAT HE HAD FULFILLED ANY RESPONSIBILITY REQUIRED IN  
25 CONNECTION WITH THE DOCUMENT.



1 Q NOW, LOOKING AT THE ATTACHMENT OT THE DOCUMENT,  
2 SIR, DO YOU HAVE ANY RECOLLECTION OF HAVING SEEN THIS  
3 DOCUMENT AT THE TIME IT ARRIVED IN FBI HEADQUARTERS?

4 A NO, I DO NOT.

5 Q TO THE BEST OF YOUR RECOLLECTION, WHEN DID YOU  
6 FIRST SEE THIS DOCUMENT, INCLUDING THE ATTACHMENT?

7 A I BELIEVE IT WAS JUST RECENTLY, IN CONNECTION WITH  
8 GOING OVER SOME OF THESE IN PREPARATION FOR TRIAL.

9 Q FINALLY, MR. BRENNAN, YOU TESTIFIED THAT REGARDING  
10 THE WOMEN'S STRIKE FOR PEACE THAT IT WAS YOUR RECOLLECTION  
11 THAT THE BASIS FOR THE INVESTIGATION WAS POSSIBLE COMMUNIST  
12 INFILTRATION; IS THAT CORRECT?

13 A I BELIEVE SO.

14 Q WHAT IS THE SIGNIFICANCE, IF ANY, TO THE QUESTION  
15 OF THE WOMEN'S STRIKE FOR PEACE POSSIBLY BEING INFILTRATED  
16 BY COMMUNIST PARTY MEMBERS?

17 A I DON'T UNDERSTAND THE QUESTION.

18 Q WHAT IS THE SIGNIFICANCE TO THE FBI -- WAS THE  
19 SIGNIFICANCE TO THE FBI REGARDING THE ISSUE OF WHETHER THE  
20 WOMEN'S STRIKE FOR PEACE WAS INFILTRATED BY COMMUNIST  
21 PARTY MEMBERS?

22 A WELL, IT GOT RIGHT TO THE HEART OF ONE OF THE  
23 FBI'S PRIMARY RESPONSIBILITIES.

24 PRESIDENT ROOSEVELT, BY EXECUTIVE ORDER DATED IN  
25 1939, GAVE THE FBI THE RESPONSIBILITY FOR THE CORRELATION



1 OF INFORMATION DEALING WITH SUBVERSIVE ACTIVITIES IN  
2 GENERAL, AND THAT MANDATE WAS RENEWED BY PRESIDENT TRUMAN,  
3 GIVING THE FBI THAT TYPE OF RESPONSIBILITY.

4 AND IT INVOLVES A DETERMINATION TO BE MADE  
5 WHENEVER A COMMUNIST ORGANIZATION ATTEMPTS TO INFILTRATE  
6 ANY TYPE OF ORGANIZATION, WHETHER IT'S A POLICE GROUP OR  
7 LABOR ORGANIZATION OR OTHER --

8 MR. SCHEMBER: I WOULD OBJECT TO THIS ANSWER BY  
9 THE WITNESS.

10 HE IS TESTIFYING AS TO THE CONTENTS OF DIRECTIVES  
11 THAT MR. HOOVER APPARENTLY OBTAINED OR DID NOT OBTAIN FROM  
12 FRANKLIN D. ROOSEVELT.

13 IT'S NOT THE BEST EVIDENCE, AND MY OBJECTION HAS  
14 SUBSTANCE, BECAUSE I DON'T THINK THE DOCUMENTS INDICATE  
15 WHAT HE SAID.

16 THE COURT: WE'RE IN A BACKWARDS SITUATION. THIS  
17 IS CROSS EXAMINATION.

18 THE OBJECTION IS OVERRULED.

19 THE WITNESS: THE FBI DID HAVE THE RESPONSIBILITY  
20 FOR MAKING THE DETERMINATION WHENEVER IT RECEIVED ANY  
21 INFORMATION TO INDICATE THAT THERE MIGHT POSSIBLY BE  
22 INFILTRATION INTO ANY ORGANIZATION BY COMMUNISM.

23 BY MR. WHITE:

24 Q MY QUESTION, SIR, WOULD BE WHAT WOULD BE THE  
25 SIGNIFICANCE OF COMMUNIST INFILTRATION IF IT WAS IN FACT



1 OCCURRING?

2 A IF IT DID IN FACT OCCUR THEN HE WOULD HAVE A  
3 PROBLEM OF TRYING TO MAKE A DETERMINATION AS TO HOW INFLUENTIAL  
4 THE COMMUNIST INFILTRATION WAS, AND THE EXTENT OR DEGREE  
5 TO WHICH THE COMMUNISTS IN THE ORGANIZATION MIGHT BE ABLE TO  
6 USE IT TO FURTHER THEIR OWN PARTICULAR AIMS AND GOALS AND  
7 POLICIES FOR PROPAGANDA PURPOSES.

8 Q AND WHY, SIR, WAS THE FBI CONCERNED ABOUT THE  
9 ACTIVITY OF THE COMMUNIST PARTY IN THE UNITED STATES?

10 A BECAUSE IT HAS DEFINITELY BEEN SHOWN THAT THE  
11 COMMUNIST PARTY OF THE UNITED STATES IS A DIRECT APPENDAGE  
12 OF THE SOVIET UNION, AND FOR YEARS THAT THEY HAVE TAKEN  
13 THIS DIRECTION AND CONTROL AND BEEN FINANCIALLY SUPPORTED  
14 BY THE SOVIETS.

15 MR. WHITE: THANK YOU, SIR.

16 I HAVE NO FURTHER QUESTIONS.

17 THE COURT: REDIRECT EXAMINATION.

18 MS. BONN: I JUST HAVE ONE QUESTION, YOUR HONOR.

19 FURTHER CROSS EXAMINATION

20 BY MS. BONN:

21 Q MR. BRENNAN, I'M LAURA BONN, REPRESENTING THE  
22 DISTRICT OF COLUMBIA AND THE DISTRICT OF COLUMBIA DEFENDANTS,  
23 AND I ONLY HAVE ONE QUESTION.

24 WAS THE METROPOLITAN POLICE DEPARTMENT INVOLVED  
25 AT ALL WITH THE FBI COINTEL PROJECT?





1 A NO.

2 Q I HAVE TWO QUESTIONS.

3 WAS THE METROPOLITAN POLICE DEPARTMENT INVOLVED  
4 WITH ANY OF THE NEW LEFT PROJECTS OF THE FBI?

5 A NO.

6 MS. BONN: THANK YOU.

7 THE COURT: WILL YOUR EXAMINATION BE EXTENSIVE?

8 MS. PILSBURY: I DON'T THINK SO, YOUR HONOR, BUT  
9 IT WILL PROBABLY BE MORE THAN FIVE MINUTES.

10 THE COURT: ALL RIGHT.

11 IT WILL BE FIVE MINUTES.

12 MS. PILSBURY: I KNOW IT'S LATE, YOUR HONOR. WE'RE  
13 ALL TIRED.

14 REDIRECT EXAMINATION

15 BY MS. PILSBURY:

16 Q MR. BRENNAN, IS IT YOUR POSITION THAT YOU ARE  
17 NOT RESPONSIBLE FOR ACTS TAKEN BY YOUR SUBORDINATES IN YOUR  
18 BEHALF?

19 MR. WHITE: YOUR HONOR, I WOULD OBJECT TO THE  
20 QUESTION ON THE GROUNDS IT REACHES THE LEGAL ISSUE AT THE  
21 HEART OF THIS CASE.

22 THE COURT: THE OBJECTION IS OVERRULED.

23 THE WITNESS: I THINK IF THOSE SUBORDINATES,  
24 HAVING BEEN DELEGATED THE AUTHORITY TO ACT FOR ME, IN MY  
25 BEHALF, THEY WOULD HAVE BEEN RESPONSIBLE FOR THEIR OWN ACTIONS.



1 BY MS. PILSBURY:

2 Q SO, IN OTHER WORDS, WHEN SOMEBODY SIGNS A  
3 DOCUMENT IN YOUR NAME IN YOUR ABSENCE, YOU'RE TAKING THE  
4 POSITION THAT THEY DID SO WITHOUT YOUR AUTHORITY?

5 A OH, YES. THEY DID IT WITHOUT MY AUTHORITY.

6 Q AND DID YOU EVER REPRIMAND ANY OF THESE PEOPLE?

7 A NO.

8 THEY WERE GIVEN THE AUTHORITY TO SIGN FOR ME, AND  
9 IF THEY MADE ANY MISTAKES IN SIGNING THINGS FOR ME IN MY  
10 ABSENCE, THEY WOULD HAVE TO ANSWER FOR IT THEMSELVES.

11 Q OKAY.

12 THEN IN REFERENCE TO THE DOCUMENTS THAT YOU'VE  
13 SEEN HERE IN COURT TODAY --

14 A YES.

15 Q -- DID YOU SEE ANY DOCUMENTS WHICH DID NOT APPEAR  
16 TO YOU TO ACCURATELY REFLECT BUREAU POLICY IN REGARD TO  
17 COINTELPRO NEW LEFT, OR ANYTHING ELSE THAT THESE DOCUMENTS  
18 MIGHT HAVE REFERRED TO?

19 A IT SEEMED TO ME THAT THE DOCUMENTS I SAW --  
20 MR. WHITE: YOUR HONOR, I OBJECT TO THE QUESTION  
21 AS CALLING FOR A CONCLUSION.

22 THE COURT: OVERRULED.

23 THE WITNESS: IT SEEMED TO ME THAT THE DOCUMENTS  
24 THAT I SAW REPRESENTED ACTIONS TAKEN, OR RECOMMENDATIONS,  
25 THAT WERE CONSISTENT WITH THE POLICY OF THE PROGRAM, AS IT



1 HAD ORIGINALLY BEEN ESTABLISHED.

2 BY MS. PILSBURY:

3 Q AND THE PROGRAM THAT WE ARE TALKING OF, COINTELPRO  
4 NEW LEFT, NOW, YOU'RE IN CHARGE OF THIS PROGRAM FROM ITS  
5 CREATION IN 1968 UNTIL YOU LEFT THE DOMESTIC INTELLIGENCE  
6 DIVISION IN 1971; WERE YOU NOT?

7 A WELL, YOU'LL HAVE TO CLARIFY --

8 THE COURT: YOU CAN ANSWER YES OR NO.

9 BY MS. PILSBURY:

10 Q DID YOU HAVE SUPERVISORY RESPONSIBILITY FOR THE  
11 COINTELPRO PROGRAM --

12 A YES.

13 Q -- NEW LEFT?

14 A YES.

15 Q AND YOU REPORTED BASICALLY TO THE DIRECTOR; DID  
16 YOU NOT?

17 A WHICH DATE, NOW?

18 Q WHEN YOU WERE CHIEF OF -- AND I USE THE TERM  
19 REALIZING IT MAY NOT BE THE TERM YOU USE -- BUT WHEN YOU WERE  
20 HEAD OF DOMESTIC INTELLIGENCE YOU REPORTED TO THE DIRECTOR.

21 A WHEN I WAS ASSISTANT DIRECTOR IN CHARGE OF  
22 DOMESTIC INTELLIGENCE I REPORTED TO THE ASSISTANT TO THE  
23 DIRECTOR.

24 Q AND HE REPORTED TO THE DIRECTOR.

25 A HE REPORTED TO THE ASSOCIATE DIRECTOR.





1 Q AND DID HE REPORT TO THE DIRECTOR?

2 A AND HE REPORTED TO THE DIRECTOR.

3 Q NOW, I BELIEVE YOU MENTIONED ON CROSS EXAMINATION  
4 AT SOME LENGTH AN INDIVIDUAL BY THE NAME OF MARK RUDD, WHO  
5 YOU INDICATED AT ONE TIME ADVOCATING BOMBING, AND YOU MADE  
6 SOME OTHER CHARACTERIZATIONS ABOUT HIM.

7 COULD YOU PLEASE EXPLAIN WHAT, IF ANYTHING,  
8 MARK RUDD HAS TO DO WITH ANY OF THE PLAINTIFFS IN THIS CASE?

9 MR. WHITE: OBJECTION, YOUR HONOR.

10 I THINK THAT ISSUE WAS ADEQUATELY EXPLAINED ON  
11 EXAMINATION.

12 THE COURT: OBJECTION IS OVERRULED.

13 THE WITNESS: I DON'T KNOW WHETHER MARK RUDD HAS  
14 ANY CONNECTION WITH ANY OF THE PLAINTIFFS IN THIS CASE OR NOT.

15 MARK RUDD WAS ONE OF THE PRIMARY LEADERS OF THE  
16 SDS AND, IF I RECALL CORRECTLY, MY ANSWER WAS THAT IN  
17 CONNECTION WITH THE EVOLUTION OF A CHANGING MOVEMENT THAT WAS  
18 MORE AND MORE ADVOCATING VIOLENCE.

19 BY MS. PILSBURY:

20 Q ARE YOU FAMILIAR WITH WHO THE PLAINTIFFS ARE IN  
21 THIS CASE?

22 A YES.

23 Q HAVE YOU REVIEWED THEIR FILES IN PREPARATION FOR  
24 TESTIMONY HERE TODAY?

25 A NO.



1 Q NOW, YOU ALSO GAVE AN EXAMPLE OF A CAMPUS NEWSPAPER  
2 WHICH YOU INDICATED HAD GIVEN DIRECTIONS ON HOW TO MAKE A  
3 BOMB.

4 A YES.

5 Q WHERE WAS THAT CAMPUS NEWSPAPER?

6 A I FORGET.

7 I RECALL SEEING IT IN THE UNDERGROUND PRESS WHEN  
8 I WAS IN THE FBI.

9 Q WHEN?

10 A IT WAS BACK IN THE LATE SIXTIES OR SEVENTIES. I  
11 FORGET EXACTLY.

12 Q DO YOU REMEMBER WHAT PART OF THE COUNTRY THE  
13 CAMPUS NEWSPAPER WAS FROM?

14 A THERE WERE HUNDREDS OF THEM AROUND THE COUNTRY.

15 Q HUNDREDS WITH RECIPES FOR MAKING BOMBS?

16 A NO.

17 HUNDREDS OF UNDERGROUND NEWSPAPERS ON VARIOUS  
18 CAMPUSES AROUND THE COUNTRY.

19 Q DO YOU RECALL FROM WHAT PART OF THE COUNTRY THE  
20 CAMPUS NEWSPAPER WAS THAT YOU WERE REFERRING TO?

21 A NO, I DON'T.

22 Q DO YOU RECALL ANYTHING ABOUT IT, BESIDES THE FACT  
23 THAT YOU THINK IT HAD A DIRECTION IN IT FOR HOW TO MAKE A  
24 BOMB?

25 A ONLY THAT I RECALL SEEING UNDERGROUND, SO-CALLED



1 UNDERGROUND NEWSPAPERS, SOME OF WHICH HAD THOSE THINGS IN  
2 THEM.

3 Q AND WAS THIS SOMETHING YOU SAW PRIOR TO THE TIME  
4 THAT YOU SENT OUT THE MEMO CREATING COINTELPRO NEW LEFT?

5 A I DON'T RECALL.

6 Q IT MIGHT HAVE BEEN AFTERWARDS?

7 A POSSIBLE. COULD BE.

8 Q NOW, YOU'VE INDICATED THAT YOU HAD SOME CONCERN  
9 ABOUT MEMBERS OF THE PEACE MOVEMENT IN THE UNITED STATES  
10 TRAVELING ABROAD TO WHAT YOU HAVE CHARACTERIZED AS  
11 COMMUNIST CONFERENCES.

12 A YES.

13 Q AND YOU MENTIONED THAT AN INDIVIDUAL BY THE NAME  
14 OF YOUNG FROM THE NEW MOBE WENT TO ONE SUCH CONFERENCE.

15 A YES.

16 Q YOU BELIEVED IN NOVEMBER.

17 A YES.

18 Q OR SOMETIME PRIOR TO --

19 A I SEEM TO RECALL THAT, YES.

20 Q DO YOU RECALL IF THAT'S THE SAME RON YOUNG THAT  
21 WAS ASSOCIATED WITH THE AMERICAN FRIENDS SERVICE COMMITTEE  
22 IN PHILADELPHIA?

23 A I DON'T RECALL.

24 Q DO YOU KNOW WHAT SORT OF ORGANIZATION THE AMERICAN  
25 FRIENDS SERVICE COMMITTEE IS?



1 A NOT THAT MUCH ABOUT IT.

2 I BELIEVE IT'S A QUAKER ORGANIZATION.

3 Q WHEN YOU SAY COMMUNIST CONFERENCE, MR. BRENNAN,  
4 WHAT EXACTLY DO YOU MEAN?

5 A THERE WERE CONFERENCES THAT WOULD BE HELD IN A  
6 FOREIGN COUNTRY, WHICH WAS SPONSORED AND FINANCIALLY  
7 SUBSIDIZED BY COMMUNIST ELEMENTS IN EUROPE, OR IN HANOI OR  
8 IN CUBA, WHEREVER THEY TOOK PLACE.

9 Q WOULD YOU CHARACTERIZE ANY CONFERENCE IN WHICH  
10 THERE WERE REPRESENTATIVES FROM COMMUNIST OR SOCIALIST  
11 GOVERNMENTS AS A COMMUNIST CONFERENCE?

12 A IF THOSE WHO ORGANIZED THE CONFERENCE AND FINANCED  
13 IT WERE COMMUNISTS I WOULD CHARACTERIZE IT AS A COMMUNIST  
14 CONFERENCE.

15 Q SO, IN OTHER WORDS, IF MEMBERS OF THE AMERICAN  
16 PEACE MOVEMENT WERE TO MEET WITH PEOPLE ACTIVE IN THE PEACE  
17 MOVEMENT WHO, SAY, WERE ITALIANS OR FRENCH, AND THOSE  
18 INDIVIDUALS HAPPENED TO BE MEMBERS OF THE COMMUNIST PARTY,  
19 IN THOSE COUNTRIES, YOU WOULD CALL THAT A COMMUNIST CONFERENCE?

20 A IF THE COMMUNIST ELEMENTS ORGANIZED IT AND  
21 FINANCED IT, I WOULD CALL IT A COMMUNIST CONFERENCE, YES.

22 Q REGARDLESS OF HOW MANY OTHER PEOPLE MIGHT HAVE  
23 BEEN THERE?

24 A YES.

25 IF THE FBI HELD A CONFERENCE AND ORGANIZED IT AND





1 FINANCED IT, I WOULD SAY IT WOULD BE AN FBI CONFERENCE.

2 Q NOW, YOU HAVE INDICATED THAT ONE OF THE REASONS  
3 YOU WERE INTERESTED IN THE WOMEN'S STRIKE FOR PEACE WAS THAT  
4 YOU WERE CONCERNED ABOUT COMMUNIST INFILTRATION OF THAT  
5 ORGANIZATION; IS THAT CORRECT?

6 A YES.

7 Q WAS THERE ANY OTHER REASON YOU WERE INTERESTED  
8 IN THE WOMEN'S STRIKE FOR PEACE?

9 A I BELIEVE THAT WAS THE BASIS FOR THE FBI  
10 INVESTIGATION.

11 Q THAT WAS THE REASON.

12 A I BELIEVE SO.

13 Q WOULD YOU BE CONCERNED ABOUT COMMUNIST INFILTRATIONS  
14 OF ANY ORGANIZATION?

15 A YES.

16 Q NO MATTER WHAT THE ORGANIZATION STOOD FOR?

17 A THAT WAS THE FBI'S RESPONSIBILITY. IF IT RECEIVED  
18 INFORMATION TO INDICATE THAT COMMUNISTS HAD INFILTRATED OR  
19 PLANNED TO INFILTRATE ANY SPECIFIC GROUP, WHETHER IT WAS A  
20 PARENT-TEACHERS ASSOCIATION OR CHURCH GROUP, OR WHATEVER,  
21 IT WAS OUR RESPONSIBILITY TO DETERMINE THE EXTENT TO WHICH  
22 THAT WAS TRUE.

23 Q AND WHEN YOU SPEAK OF COMMUNIST INFILTRATION  
24 YOU ARE SPEAKING OF AMERICAN CITIZENS JOINING THOSE GROUPS;  
25 ARE YOU NOT?



1 A YES.

2 Q YOU'RE NOT TALKING ABOUT SPIES FROM RUSSIA.

3 A NO.

4 THAT'S ANOTHER WHOLE BALLGAME.

5 Q NOW, I BELIEVE YOU HAVE INDICATED THAT ONE OF THE  
6 REASONS THAT YOU BELIEVE THERE WAS COMMUNIST INFILTRATION  
7 OF THE PEACE MOVEMENT IN THE UNITED STATES WAS THAT THERE  
8 WERE DEMONSTRATIONS WHICH OCCURRED ABROAD AT AMERICAN  
9 EMBASSIES AT ABOUT THE SAME TIME THERE WERE DEMONSTRATIONS  
10 IN THE UNITED STATES; IS THAT NOT CORRECT?

11 IS THAT NOT YOUR TESTIMONY?

12 A WOULD YOU REPEAT THE FIRST PART OF THE QUESTION  
13 AGAIN?

14 Q I RECALL YOUR TESTIMONY ON CROSS EXAMINATION TO BE  
15 THAT ONE OF THE INDICATIONS TO YOU OF COMMUNIST INFLUENCE  
16 WAS THAT AT THE TIME THERE WERE DEMONSTRATIONS OCCURRING IN  
17 THE UNITED STATES AGAINST THE WAR IN VIETNAM, THERE WERE  
18 ALSO DEMONSTRATIONS OCCURRING THROUGHOUT EUROPE.

19 A YES.

20 Q AND THAT WAS INDICATION TO YOU OF COMMUNIST  
21 INFILTRATION; IS THAT NOT YOUR BELIEF?

22 A I BELIEVE I TESTIFIED THAT IT INDICATED TO ME  
23 THAT THERE WAS AN ORCHESTRATION OF COMMUNIST ACTIVITY.

24 Q COULD IT NOT ALSO INDICATE THAT THERE WERE A LOT  
25 OF PEOPLE, BOTH IN THIS COUNTRY AND ABROAD, OPPOSED TO THE



1 WAR IN VIETNAM, AND THAT THEY TALKED TO EACH OTHER?

2 A THERE'S NO QUESTION IN MY MIND THAT THE  
3 OVERWHELMING MAJORITY OF PEOPLE WHO WERE DEMONSTRATING IN  
4 THIS COUNTRY WERE IDEALISTICALLY MOTIVATED AND WHO WERE  
5 PATRIOTIC AND WHO LEGITIMATELY WERE OPPOSED TO THE WAR IN  
6 VIETNAM, AND IT WAS THEIR RIGHT TO ASSEMBLE PEACEFULLY, IT  
7 WAS THEIR RIGHT TO LEGITIMATELY PROTEST AND REGISTER THEIR  
8 DISSENT.

9 WHAT I'M TRYING TO CONVEY TO YOU IS THAT AT THE  
10 SAME TIME THERE WAS A HARD ELEMENT OF COMMUNISTS WHO WERE  
11 INVOLVED IN THESE SITUATIONS, WHO WERE USING THE SITUATIONS  
12 TO EXPLOIT THEM FOR THEIR OWN PARTICULAR BENEFIT OR FOR THE  
13 BENEFIT OF THE SOVIET UNION AND INTERNATIONAL COMMUNISM.

14 Q SO IS THE ANSWER TO MY QUESTION YES?

15 A WANT TO REPEAT THE QUESTION?

16 Q THE QUESTION WAS, COULD NOT THE FACT THAT THERE  
17 WERE DEMONSTRATIONS BOTH HERE AND ABROAD AGAINST THE  
18 UNITED STATES INVOLVEMENT IN VIETNAM INDICATE THAT THERE  
19 WERE A LOT OF PEOPLE OPPOSED TO THE WAR IN VIETNAM, AND THAT  
20 THEY TALKED TO EACH OTHER OR COORDINATED THEIR ACTIVITIES  
21 INDEPENDENT OF COMMUNIST INFLUENCE?

22 A OH, I THINK THAT'S POSSIBLE.

23 MS. PILSBURY: THANK YOU, MR. BRENNAN.

24 THAT'S ALL I HAVE.

25 THE COURT: ANY REDIRECT? ANY RECROSS?





1 MR. WHITE: WHICHEVER IT IS, YOUR HONOR, I'M  
2 FINISHED FOR THE DAY.

3 THE COURT: YOU MAY BE EXCUSED.

4 LADIES AND GENTLEMEN, YOU ARE EXCUSED FOR THE  
5 WEEKEND.

6 PLEASE REMEMBER MY ADMONITION.

7 AND PLEASE REMEMBER PARTICULARLY MY INTEREST IN  
8 YOUR BEING HERE ON TIME MONDAY MORNING. TIME IS OF THE  
9 ESSENCE.

10 THANK YOU VERY MUCH FOR YOUR ATTENTION.

11 I'LL SEE YOU 9:30. 9:30.

12 (WHEREUPON, THE JURY RETIRES FROM THE COURTROOM.)

13 THE COURT: WINKELMAN SUPPLEMENT?

14 WE ARE GOING TO GET ANOTHER -- MORE MATERIAL.

15 I NEED IT TO WORK ON.

16 MS. BONN: WELL, I UNDERSTAND, YOUR HONOR.

17 IT'S PROBABLY ALMOST COMPLETED, BUT I HAVE BEEN  
18 TIED UP MOST OF THE DAY MYSELF.

19 THE COURT: WHEN WILL YOU GET IT?

20 MS. BONN: I HOPE WE GET IT VERY SHORTLY.

21 THE COURT: I'LL TELL YOU WHAT.

22 WHEN YOU GET IT FILED, IF MY OFFICE IS CLOSED  
23 WILL YOU FILE IT WITH THE GUARD DOWNSTAIRS, AND INDICATE  
24 TO CALL ME AT MY RESIDENCE?

25 MS BONN: YES, YOUR HONOR. WE PLAN ON DROPPING



1 OFF A COPY TO PLAINTIFFS AT THEIR OFFICE OR WHEREVER IT  
2 WOULD BE CONVENIENT.

3 THE COURT: NOW, COUPLE OF OTHER THINGS.

4 MR. WHITE, I DON'T KNOW WHAT YOUR PLANS ARE.

5 I'D LIKE TO RAISE WITH ALL OF YOU TO DISCUSS  
6 MONDAY MORNING -- DO YOU ALL HAVE ANY PLANS IN MIND EITHER  
7 AT THE CLOSE OF EVIDENCE OR SOME OTHER TIME TO RAISE AGAIN  
8 THE QUESTION OF WHETHER THERE WAS ONE OR TWO CONSPIRACIES  
9 ALLEGED?

10 MR. WHITE: I'M NOT SURE I UNDERSTAND.

11 THE COURT: I THINK MS. BONN DOES.

12 MS. BONN: YOUR HONOR, I'M SURE I'M SPEAKING  
13 FOR MR. WHITE AS WELL AS MYSELF.

14 AT THE CLOSE OF THE EVIDENCE BOTH US ARE GOING  
15 TO MAKE FORMAL MOTIONS FOR DIRECTED VERDICT.

16 THE COURT: AND YOU DIDN'T PLAN TO ADDRESS THAT.

17 MS. BONN: I'M NOT SURE WHAT ALSO IS GOING TO COME  
18 OUT.

19 THE COURT: AFTER MR. PAYNEBURN ARE THERE ANY  
20 OTHER WITNESSES WHOSE TESTIMONY WILL RELATE TO THE FBI PHASE?

21 MS. PILSBURY: NO.

22 WE'VE FINISHED WITH LIVE FBI WITNESSES.

23 MR. SCHEMBER: MR. PAYNEBURN IS NOT AVAILABLE TO US.

24 MS. PILSBURY: AND I MEANT TO ASK THE COURT TO  
25 LET EVERYBODY KNOW THAT, SO THAT THEY UNDERSTAND.



1 THE COURT: AND THEN HOW MUCH MORE -- HAVE YOU  
2 GOT AN ESTIMATE OF HOW MUCH TIME THE REMAINING WITNESSES  
3 WILL TAKE?

4 MR. SCHEMBER: YOUR HONOR, WE WOULD EXPECT THE  
5 REST OF OUR CASE WOULD TAKE TWO AND A HALF TO THREE DAYS.

6 MS. PILSBURY: AND THAT'S SAVING A DAY FOR  
7 REBUTTAL.

8 MR. SCHEMBER: SAVING A DAY, YES.

9 THE COURT: ALL RIGHT.

10 MAYBE YOU'VE ANSWERED MY QUESTION.

11 NOW, ONE OTHER THING.

12 DO YOU WANT TO SPEAK ANY MORE TO THAT?

13 MS. BONN: I KIND OF CUT MR. WHITE OFF.

14 MR. WHITE: I HAVE NOTHING TO SAY.

15 THE COURT: I HOPE THAT IN YOUR PREPARATION IN  
16 CONNECTION WITH THE INSTRUCTIONS THAT YOU ALL WILL BE  
17 GIVING -- BRINGING ME AUTHORITIES THAT RELATE TO THE  
18 CONSPIRACY CASE, THAT DEAL WITH THE RESPONSIBILITY OF AN  
19 ALLEGED CO-CONSPIRATOR WHO WASN'T IN ON EVERYTHING, BUT WAS IN  
20 ON ENOUGH AND HAD SUBORDINATES WHO WERE CONSPIRATORS WHO  
21 WERE ALSO INVOLVED.

22 AND IN THAT CONNECTION IT'S JUST OCCURRED TO ME  
23 -- AND WE'RE JUST NOW EXPLORING IT -- BUT I WANT TO INVITE  
24 YOUR ATTENTION TO IT. IT OCCURRED TO ME, IN THE CASE OF  
25 SUITS FOR LIBEL, CIVIL ACTIONS FOR LIBEL, WHERE THE DEFENDANT



1 IS A CORPORATE DEFENDANT AND SOME OFFICERS AND EMPLOYEES OF  
2 THE CORPORATION, AS THE PUBLISHER AND REPORTER AND MAGAZINE  
3 EDITOR AND CITY EDITOR HIERARCHY INVOLVEMENT, HAS ANY  
4 COURT DEALT, FEDERAL OR STATE, WITH THESE KINDS OF  
5 PROBLEMS THAT ARE HERE, WHERE NO PARTICULAR PERSON  
6 PUBLISHES THE PAPER ON ANY GIVEN DAY.

7 NOT EVERYBODY HAS A BY-LINE, NOT EVERYBODY HAS  
8 SOMETHING TO DO WITH THE STORY HAS A BY-LINE.

9 AND BELIEVE ME, I'M NOT JUMPING TO A CONCLUSION  
10 AT ALL ABOUT WHAT IF THE END RESULT OF THIS IS SOMETHING  
11 THAT IS ACTIONABLE AS LIBEL WOULD BE.

12 BUT IF IT WERE ACTIONABLE AND IF THERE IS A  
13 TORTIOUS IMPACT HERE, BY WHATEVER DEFINITION, WHAT KIND OF  
14 AUTHORITIES CAN YOU LEAD ME TO ABOUT THE RESPONSIBILITY  
15 OF THOSE WHO HAVE LESS THAN TOTAL ROLES IN THE  
16 PRODUCING THE DAMAGING INSTRUMENT OR WHATEVER.

17 AND I'M NOT ASKING FOR AN ANSWER. I JUST WANT TO  
18 GET YOU ALL TO THINK ABOUT THAT.

19 MS. BONN: YOUR HONOR, I SHOULD ADDRESS THIS TO  
20 THE COURT BECAUSE ON MONDAY PROBABLY THE METROPOLITAN  
21 POLICE DEPARTMENT DEFENDANTS WILL BE COMING IN AND WE  
22 STILL HAVE THAT UNRESOLVED ISSUE THAT THE COURT BROUGHT OUT  
23 WITH RESPECT TO THE METROPOLITAN POLICE OFFICERS.

24 THE COURT: I REALLY WANT TO BE GUIDED IN THE  
25 FIRST INSTANCE BY YOU ALL.





1 MS. BONN: WELL, I HAVE CHECKED WITH THE  
2 GENERAL COUNSEL'S OFFICE IN MY OFFICE AND THE POSITION IS  
3 THAT THEY ARE REQUIRED TO WEAR THEIR SERVICE REVOLVERS AT  
4 ALL TIMES.

5 IF THE COURT FEELS THAT THEY WOULD PREFER THAT  
6 AN OFFICER ENTERING THE WELL TO TESTIFY NOT TO WEAR A  
7 REVOLVER, THERE ARE ARRANGEMENTS THAT CAN BE MADE TO LEAVE  
8 THAT REVOLVER IN GENERAL COUNSEL'S OFFICE.

9 THE COURT: IS THE DEPARTMENT OF JUSTICE -- I'M  
10 REALLY DEALING WITH A LEGAL PROBLEM.

11 MR. WHITE: I HAVE MADE INQUIRY, YOUR HONOR.

12 I CAN'T FIND PUBLISHED POLICIES.

13 WE ARE AWARE OF ONE INSTANCE IN CHICAGO, WHICH  
14 IS THE NORTHERN DISTRICT OF ILLINOIS, AND HAS A STANDING  
15 RULE APPARENTLY FORBIDDING WEAPONS, I SUPPOSE EXCEPT BY THE  
16 MARSHAL.

17 IT WAS OUR CONCLUSION, BASED ON THE DISCUSSIONS  
18 I HAD, THAT IT WOULD REALLY BE YOUR DISCRETION.

19 THE COURT: I THINK I WILL ASK THEM, NOT AS AN  
20 ORDER, BUT AS A MATTER OF AN ORDER BASED IN PART ON A  
21 SENSE OF THE SENSITIVITY OF THE JURY ENVIRONMENT -- I'M  
22 GOING TO ASK THAT THERE BE NO SIDEARMS DISPLAYED.

23 AND I THINK THAT RULE IS AS MUCH TO THE ADVANTAGE  
24 OF THE DEFENDANTS AS IT IS TO THE PLAINTIFFS, AND I'M DOING  
25 IT BECAUSE I DON'T WANT TO HAVE SOMEBODY RAISE AN ISSUE IN



1 THE COURT OF APPEALS THAT THIS JURY WAS INTIMIDATED.

2 MS. BONN: YOUR HONOR, JUST AS A POINT OF  
3 CLARIFICATION, WHEN YOU SAY "DISPLAYED," WOULD THEY BE  
4 PERMITTED TO WEAR UNDER A JACKET A SHOULDER HOLSTER?

5 UNFORTUNATELY, I HAVE TO BE TECHNICAL.

6 THE COURT: LET'S SAY A DEFENDANT SHOULD COME  
7 IN HERE UNARMED -- AND THAT INCLUDES ANY KIND OF WEAPON --  
8 BOWIE KNIFE OR WHATEVER.

9 MR. WHITE: CAN WE HAVE A SIMILAR ORDER FOR  
10 DEFENDANTS, YOUR HONOR?

11 THE COURT: NO PARTIES -- PLAINTIFFS OR  
12 DEFENDANTS -- MAY BEAR ARMS IN THIS PROCEEDING.

13 AND JUST BECAUSE THE DEFENDANTS ARE POLICE  
14 OFFICERS AND THE JURY MIGHT NOT BE ABLE TO DISTINGUISH  
15 BETWEEN POLICE OFFICERS WHO ARE DEFENDANTS AND THOSE WHO ARE  
16 NOT, I WILL, IF IT REQUIRES IT FOR YOUR REGULATIONS, I WILL  
17 DIRECT THAT POLICE OFFICERS WILL PLEASE CHECK THEIR  
18 WEAPONS OUTSIDE.

19 MS. BONN: THANK YOU, YOUR HONOR.

20 THE COURT: ALL RIGHT.

21 THANK YOU, LADIES AND GENTLEMEN.

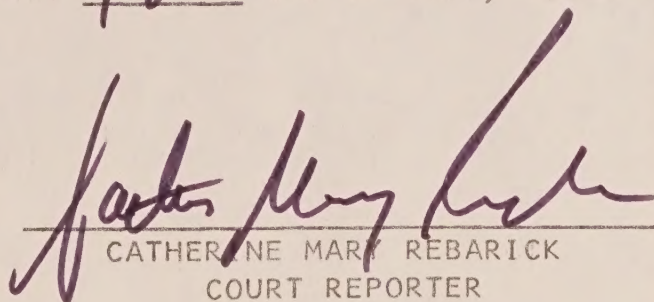
22 (WHEREUPON, THE FOREGOING PROCEEDINGS WERE  
23 ADJOURNED FOR THE DAY, TO RESUME AT 9:30, A. M., ON MONDAY,  
24 DECEMBER 7, 1981.)  
25



CERTIFICATE OF REPORTER

I, CATHERINE MARY REBARICK, BEING A STENOGRAPHIC REPORTER, DO HEREBY CERTIFY THAT I WAS AUTHORIZED TO AND DID REPORT IN STENOGRAPHY THE FOREGOING PROCEEDINGS, AND THAT THEREAFTER MY STENOGRAPHIC NOTES WERE REDUCED TO TYPEWRITING UNDER MY SUPERVISION, AND I FURTHER CERTIFY THAT THE PAGES NUMBERED 4 THROUGH 118, INCLUSIVE, CONTAIN A TRUE AND CORRECT TRANSCRIPTION OF MY STENOGRAPHIC NOTES TAKEN THEREIN, TO THE BEST OF MY KNOWLEDGE AND ABILITY.

DONE AND SIGNED THIS 17th DAY OF JULY, 1982.

  
CATHERINE MARY REBARICK  
COURT REPORTER











